

## MINING RESOURCES OF THE UNITED STATES.

Mr. BAKER, of Indiana, by unanimous consent, introduced a bill (H. R. No. 2820) to amend an act to promote the development of the mining resources of the United States; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

And then, on motion of Mr. HURLBUT, (at five o'clock and fifteen minutes p. m.,) the House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANKS: Memorial of 2,751 women of Massachusetts, that the manufacture and importation of spirituous liquors may be restricted to the quantity necessary for medical and mechanical uses, to the Committee of Ways and Means.

By Mr. BANNING: The petition of Army officers, for the passage of a law declaring the rule of promotion in the line of the Army, to the Committee on Military Affairs.

By Mr. CRAPO: The petitions of W. R. Browne and Penelope T. Heald, for pensions, to the Committee on Invalid Pensions.

By Mr. CUTLER: The petition of the Second Presbyterian church and congregation of Newark, New Jersey, signed by the pastor and officers of the church, for the appointment of a commission to inquire into the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of the Lutheran church at New Germantown, New Jersey, officially signed, of similar import, to the same committee.

Also, the petition of the Grand Division of the Sons of Temperance of New Jersey, signed by the officers, representing 3,500 members, of similar import, to the same committee.

By Mr. DARRALL: The petition of C. A. Frazee, to be allowed to file his claim for property taken by the United States Army during the late war before the Court of Claims, to the Committee on War Claims.

Also, the petition of Raymond Deshattes, of similar import, to the same committee.

Also, the petition of François Simien, of similar import, to the same committee.

Also, the petition of Pierre J. Franciz and Emétilde Guilbeau, representatives of the estate of Ursin Bernard, deceased, for compensation for property taken by the United States Army, to the same committee.

Also, the petition of Mrs. Raymond Reir, of similar import, to the same committee.

Also, the petition of Edmond A. Guilbeau, of similar import, to the same committee.

Also, the petition of André Broussard, of similar import, to the same committee.

By Mr. FARWELL: The petition of Mrs. H. C. Speight, to have restored to her the rights of citizenship, of which she claims to have been unjustly deprived by no fault of her own, but by the unnatural, forced, and unauthorized interpretation of the Constitution, and in derogation of the underlying principles of our government and its institutions, to the Committee on the Judiciary.

Also, the petition of the Woman's Christian Temperance Union of Chicago, officially signed, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. FROST: Resolutions of E. R. Eastman, favoring a joint high commission to settle national disputes, to the Committee on Foreign Affairs.

By Mr. GARFIELD: The petition of the Methodist Episcopal church at Cincinnati, Ohio, signed by pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of T. Johnson, J. N. Reed, and other citizens of Berlinville, Ohio, of similar import, to the same committee.

Also, the petition of F. B. Hoover, J. H. Lockwood, and other citizens of Amelia, Ohio, of similar import, to the same committee.

Also, the petition of A. J. Bessey, J. M. Reynolds, and other citizens of Amwell, Ohio, of similar import, to the same committee.

By Mr. HENKLE: Memorial of William R. Wilmer, collector of internal revenue of the fifth Maryland district, for relief for loss of stamps and money in consequence of a robbery by burglars, to the Committee of Ways and Means.

By Mr. HEWITT, of New York: The petition of John L. Griffin, James E. Heull, and other citizens of New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HOUSE: The petition of Cummings, Doyle & Co., of Nashville, Tennessee, for pay for rent of buildings occupied by the United States Army, to the Committee on War Claims.

By Mr. KELLEY: The petition of citizens of Pennsylvania, that the tariff laws be not interfered with, to the Committee of Ways and Means.

By Mr. LANE: The petition of T. B. Willard, Alexander Simon, F. S. Matteson, and other citizens of Oregon, for the improvement of the Coquille River, to the Committee on Commerce.

By Mr. MEADE: Memorial of the New York Cheap Transportation

Association, for further appropriations to aid in opening Hell Gate, to the Committee on Appropriations.

By Mr. MONROE: The petition of Charles J. Wright, Samuel Wise, and other citizens of Uniontown, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of M. S. Gish, A. D. Welday, and other citizens of Amwell, Ohio, of similar import, to the same committee.

Also, the petition of Isaac Bessey, S. T. Simonton, and other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Henry Slyler, G. Gray, and other citizens of Limaville, Ohio, of similar import, to the same committee.

By Mr. MORRISON: The petition of the Good Templars of the State of Illinois, officially signed, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. O'NEILL: The petition of the Board of Trade of Philadelphia, against changing the organization of the United States Light-House Board, to the Committee on Commerce.

By Mr. RIDDLE: The petition of John J. Boon, John A. Thompson, and other citizens of Jackson, Tennessee, of similar import, to the same committee.

By Mr. ROBBINS, of Pennsylvania: The petition of Harvey Rowland and other manufacturers of the twenty-third ward of Philadelphia, that the present tariff laws remain undisturbed, to the Committee of Ways and Means.

By Mr. TURNEY: The petition of Thomas W. McCune, George H. Everson, and 44 other citizens of Scottdale, Westmoreland County, Pennsylvania, of similar import, to the same committee.

By Mr. VANCE, of North Carolina: The petition of Samuel Pool, J. R. Clements, and other citizens of North Carolina, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. WALSH: The petition of J. B. Kunkel and many other citizens of Frederick County, Maryland, that the present tariff laws remain undisturbed, to the Committee of Ways and Means.

Also, the memorial of Peter May and Conrad Walz, for compensation for damages by reason of grading the streets in Georgetown, District of Columbia, to the Committee for the District of Columbia.

By Mr. WARREN: Memorial of Joseph B. Braman, with reference to expenditures at the Watertown arsenal, with accompanying papers, to the Committee on Military Affairs.

By Mr. WILLIAMS, of Wisconsin: The petition of the Grand Division of the Sons of Temperance of Wisconsin, signed by the officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

Also, the petition of Leonard Lee and 132 other citizens of Wisconsin, in favor of maintaining the present duty on flaxseed and linseed oil, to the same committee.

By Mr. WILLIAMS, of Delaware: The petition of citizens of Delaware, for a survey of the Brandywine River, to the Committee on Commerce.

By Mr. WILLIS: The petition of H. C. Smith, S. Avery, and other citizens of Oneida County, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on Education and Labor.

Also, the petition of Aaron Hall, R. L. Holly, and other citizens of Adamsville, New York, of similar import, to the Committee on the Judiciary.

## IN SENATE.

FRIDAY, March 24, 1876.

The Journal of yesterday's proceedings was read and approved.

## HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama, at Montgomery and Huntsville, in said State.

A bill (H. R. No. 2324) to amend section 3 of chapter 137 of the acts of the year 1875;

A bill (H. R. No. 2256) to provide for filling the office of clerk of the district court of the United States at Greenville, South Carolina; and

A bill (H. R. No. 2811) to remove the political disabilities of C. H. Williamson, of New York.

The bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona was read twice by its title and referred to the Committee on Territories.

The bill (H. R. No. 876) making it a misdemeanor for any person in the employ of the United States to demand or contribute election funds was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection, the bill

will be referred to the Committee on Civil Service and Retrenchment.

Mr. DAVIS. The bill came from the Judiciary Committee of the House, and I would suggest, unless there be some special reason why it should not take that course, that it be referred to the Committee on the Judiciary here.

Mr. HAMLIN. Whom does it affect?

Mr. DAVIS. It affects the entire service, as I understand.

The PRESIDENT *pro tempore*. It relates to political contributions. The Secretary will read the title of the bill.

The Chief Clerk read the title of the bill.

Mr. HOWE. I think, if any bill should go to the Committee on Privileges and Elections, that certainly should.

The PRESIDENT *pro tempore*. The Senator from West Virginia suggests that it be referred to the Committee on the Judiciary.

Mr. DAVIS. I suggested that as the bill had come from the Judiciary Committee of the House probably it had better go to that committee of the Senate. There are some legal questions probably connected with it, although I do not know that there are. I have no choice as to what committee the bill is to be referred. I only want it to go to the appropriate committee.

Mr. HOWE. I think, if the Senator has no special reason for sending it to the Judiciary Committee, there are no questions of law involved in it which almost any committee of the Senate cannot wrestle with; but if it concerns any particular branch of business under this Government it is that of elections; and therefore I hope the Senator from West Virginia will allow it to go to that committee.

Mr. DAVIS. Very well.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Privileges and Elections, if there be no objection.

#### RELIEF OF SIOUX INDIANS.

The Senate proceeded to consider its amendment to the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians, disagreed to by the House of Representatives.

On motion of Mr. WITHERS, it was

*Resolved*, That the Senate insist on its amendment to the said bill disagreed to by the House of Representatives, and ask a conference on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Mr. WITHERS, Mr. ALLISON, and Mr. OGLESBY were appointed the conferees.

#### PETITIONS AND MEMORIALS.

Mr. HOWE presented the petition of O. P. Dow, James Smith, and other citizens of Palmyra, Wisconsin, praying for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Chamber of Commerce of the city of Milwaukee, Wisconsin, remonstrating against the construction of a bridge across the Detroit River, and in favor of a tunnel to be constructed at a point where competent engineers have determined that it is entirely practicable and adequate to secure all the advantages sought to be obtained by the railways; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to improve the navigation of the Saint Croix River; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in favor of amendments to the patent laws; which was referred to the Committee on Patents.

Mr. CONKLING. I present the petition of James Fish, Willard Weller, and other citizens of Meriden, New York, praying for a general law to prohibit the liquor traffic within the national jurisdiction.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. CONKLING. It relates to the Federal jurisdiction generally, I see, but I suppose it may go appropriately to that committee. I present also a similar petition, signed by George K. Hawley, W. W. Rockwell, and other citizens of Glen's Falls, New York, closing with the same prayer. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CONKLING. I present a memorial of 530 pensioners of the State of New York, who are paid in person at the pension agencies, remonstrating against the abolition of local agencies; and a like memorial of 525 pensioners of the State of New York, who are paid in like manner, in person, at the agencies, remonstrating, for reasons which they give, and give persuasively, against the proposed change. Other petitions on this subject having gone to the Committee on Pensions, I move that these take that course.

The PRESIDENT *pro tempore*. That committee was discharged from their consideration yesterday, and they were referred to the Committee on Civil Service and Retrenchment.

Mr. INGALLS. As the Committee on Pensions was discharged from the consideration of those petitions, I suggest to the Senator from New York that the petitions he now presents should be referred to the committee to examine the several branches of the civil service.

Mr. CONKLING. I did not remark the reconsideration of the former reference. Had I been here, however, I would have suggested that in the other House this subject has been considered by the Committee on Pensions, and action has been taken by that committee. Although I know that the subject is embraced by general inclusion within the scope of the authority given to the special committee referred to, I am inclined to think that the Committee on Pensions ought to consider it. However, I have no choice of committee. The chairman of these two committees will settle it satisfactorily to themselves.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Civil Service and Retrenchment.

Mr. HAMLIN. I present a remonstrance of a like character to those which have just been presented by the Senator from New York, signed by nearly 400 pensioners of the State of Maine, who are paid at Bangor. They remonstrate against any change. They know their own conveniences; they know how they are now accommodated better than any other class of men can know; and I think their wishes ought to be heeded.

Mr. ANTHONY. Is that a remonstrance against the regulation of the Pension Office in regard to geographical limits?

Mr. HAMLIN. No.

Mr. CONKLING. It is a remonstrance against the proposition to abolish local pension agencies, and transfer the whole thing to the War Department, and make pensions payable by drafts to be emitted from here and sent in each instance over the country to those who are to receive them.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Civil Service and Retrenchment.

Mr. WRIGHT presented the petition of William Richards, of Washington, District of Columbia, attorney for the Chicago, Rock Island and Pacific Railroad Company, praying for the passage of an act directing the Commissioner of Internal Revenue to refund a tax of \$4,536.39, illegally assessed upon gross receipts derived from carrying the mails by the Chicago, Rock Island and Pacific Railroad Company, and paid by that company after the tax had been abolished by law; which was referred to the Committee on Claims.

Mr. SHERMAN. I present a petition of a large number of citizens of Ohio, setting out that they have "observed with alarm and indignation the introduction into Congress of a scheme for tariff reduction, prepared, as we believe, not by members of Congress, for the benefit of this country and its inhabitants, but by adherents of other nations, for the benefit of foreigners." They remonstrate against any change in the present laws, and pray "that, when alterations are made therein, at a more favorable time, counsel may be taken from our own countrymen and constituents, rather than from the industrial and commercial enemies of the country." I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented the petition of Virgil Sparks, William S. Wood, and other citizens of Wawarsing, Ulster County, New York, praying for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

Mr. OGLESBY presented the petition of David Winn, H. A. Price, and other citizens of Illinois, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and Territories; which was referred to the Committee on the District of Columbia.

Mr. WALLACE presented a memorial of workingmen of the Star Iron-Works, Allegheny County, Pennsylvania, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Philadelphia, remonstrating against any change in the present constitution of the Light-House Board; which was referred to the Committee on Commerce.

He also presented a memorial of the Franklin Institute, of Philadelphia, praying for the repeal of the act permitting increased boiler pressure on steam-vessels; which was referred to the Committee on Commerce.

He also presented the petition of George H. Ritter, Henry Aaron, and other citizens of Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented three petitions of L. J. Whitson, Isaac Broomell, and other citizens of Penningtonville, Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented the petition of M. M. Bailey, E. Pennock, and other citizens of Chester County, Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Pennsylvania Temperance Union, James Black, president, and D. C. Babcock, secretary, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors;



that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

#### ADJOURNMENT TO MONDAY.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

#### THE POST-ROUTE BILL.

Mr. HAMLIN. Memorials have been presented and I wish now to suggest to the Senate, as we have voted to adjourn over until Monday, that it is very important that the post-route bill should pass. I ask the Senate now to take it up and consider it in the morning hour, so that we shall not interfere with the Senator from Connecticut, [Mr. EATON,] who is entitled to the floor at one o'clock on the electoral bill. I move the present consideration of the post-route bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2262) establishing post-roads.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Post-Offices and Post-Roads will be stated by the Secretary in the progress of the reading of the bill.

Mr. HAMLIN. I will make a very brief statement to the Senate, and perhaps no Senator will ask that the bill shall be read at length, which would take the best part of an hour. The Senate Committee on Post-Offices and Post-Roads have given to the consideration of this post-route bill much more care and attention than such bills have ordinarily received. We have first requested the judgment of the Senator who has introduced a proposition for a post-route, in order to ascertain that there was a public utility and necessity for his amendment. We have done the same thing in regard to amendments proposed by members of the House which have been sent here. I have myself called personally upon every member who proposed an amendment, and have made an inquiry into the character of the route sought to be established. Several propositions were not entertained, and are not therefore included in the bill; but where the member gave such a statement as to induce us to believe they were proper they were admitted. When memorials and resolutions of State Legislatures were presented to this body and showed satisfactorily upon their face proper cases to be included, those cases have been included. Those embrace all the amendments of the committee save another class which have been transmitted to us from the Post-Office Department. Under that statement of the case, if there be no call upon the part of any Senator, I ask that the reading of the bill may be dispensed with.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the reading of the bill? The Chair hears none. The question will be taken upon agreeing to the amendments reported.

Mr. HAMLIN. And if nobody wants to separate the amendments, I ask that the question be taken upon all of them together.

The PRESIDENT *pro tempore*. Is there objection to the question being taken upon the amendment in gross? The Chair hears no objection. The question is on agreeing to the amendments in gross.

The amendments were agreed to.

Mr. HAMLIN. I am directed by the Committee on Post-Offices and Post-Roads to submit an amendment. I move to insert after line 628—  
From Chardon to Chester Cross Roads.

The amendment was agreed to.

Mr. HAMLIN. I find that the House inserted, on pages 35 and 36, the same route twice. It could do no harm, but it should not be in the bill. I therefore move to strike out of the bill lines 863 and 864, as follows:

From Petersburg, in Grant County, via Patterson-Creek turnpike, to Burlington, Mineral County.

The amendment was agreed to.

Mr. PADDOCK. I send to the Clerk's desk certain amendments, which are merely corrections of orthography.

The PRESIDENT *pro tempore*. The amendments will be reported.

The CHIEF CLERK. On page 21, line 489, it is proposed to strike out "Tokama" and insert "Tokama;" and in line 490 to strike out "Schmidt" and insert "Schwedt."

The amendment was agreed to.

Mr. PADDOCK. There are still other corrections.

The CHIEF CLERK. In line 492, page 21, it is proposed to strike out "Fairburg" and insert "Fairbury;" in line 494, strike out "Gem Rock" and insert "Glen Rock;" in line 495, strike out "Carrieo" and insert "Carrieo;" in line 496, strike out "La Murieon" and insert "La Munyon;" and in line 503, strike out "Keatsatooon" and insert "Keatsatoose."

The amendment was agreed to.

Mr. PADDOCK. I desire to remark in this connection that, as this bill was prepared in the other House, the Committee on Post-Offices and Post-Roads of the Senate is not responsible for the errors in spelling. I move on page 22 to strike out lines 520, 521, 522, 523, in the following words:

From Columbus, Platte County, via Monroe, Keatsatoose, Genoa, Woodville, Waterville, Boone, Albion, Oxford, Raville, O'Neill City, Nebraska, to Custer City, Dakota Territory.

It will be observed that the same route is provided for in another part of the bill.

The amendment was agreed to.

Mr. HAMLIN. There is a typographical error on the first page. "Cropeville" should be "Cropville." The letter "e" should be omitted where it occurs in lines 7 and 9. That is all, I believe.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. EDMUNDS. I should like to ask the Senator from Maine if he can tell us approximately how many miles of new post-routes this bill establishes?

Mr. HAMLIN. I cannot.

Mr. EDMUNDS. How many in point of number?

Mr. HAMLIN. The bill itself will present that fact, though I have not counted them. I will say, however, that a very large number of the routes established in the bill are from one single point to another upon which service has been had for long years, what is called special service. The bill makes a very large number of them post-routes. They have been sent to us, and have been expressed as desirable, from the Department, because it makes a certain service, and makes the service subject to bidding instead of giving the Department the opportunity of making a special contract.

Mr. EDMUNDS. Do I understand the chairman of the committee to say that by law now the Postmaster-General is authorized to put what is called special service over any road or railroad in the country that Congress has not established as a post-route?

Mr. HAMLIN. I mean to say that from a post-office on a route already established, whether it be a railroad or another route, to one single point, the Postmaster-General has, ever since I have known anything about it, and that I suppose is the law, been authorized to establish a special service; that is, from that office which is now established by law to a given point, making the compensation for transporting the mail over that route dependent upon the compensation arising from the office established. You have got such service in Vermont in very many cases. We have it in every State in the Union.

Mr. EDMUNDS. I am sorry to say that we have a good many things in Vermont that we ought not to have, and have not some things that I think we ought to have. If that is the law I am sorry, because it vests a boundless discretion in the Post-Office Department. Before I am thoroughly satisfied that it is the law, I should be glad to have my honorable friend from Maine point out that part of the statute which confers that power. I dare say he is correct. I am not by any means prepared to dispute it.

But what I rose chiefly to say, Mr. President, was, in this day of economy, to put the question whether here is not a good opportunity to economize? We all know from experience that when these routes are once established by law, although the Postmaster-General is not obliged to put service upon them, he is besieged by Senators and members of Congress (of whom I count myself one of the chief besiegers) to put on the service, and the most frequent service; because everybody likes to get a letter once in ten minutes if he can—the most frequent service possible. The consequence is, as a practical result, although it may be trifling in one particular instance, when you apply it to thousands, when you sum it all up, a very heavy drain is made upon the public revenues. The question that has occurred to me is, in these times, whether we could not beneficially to public interests, taking into view the interests of the Treasury and of the tax-payers as well as the interests of people who wish to send or receive letters, be exceedingly conservative in respect of establishing new post-routes. The Post-Office Department, as we all know, always has been, and is likely always to be, if we go on in this way, not self-sustaining, and a tax of several millions of dollars each year is imposed upon the people of the United States to keep it up. Of course, it is a very worthy object when properly managed, as I have no doubt it is now, a very desirable object; but if we can economize in diminishing the expenditures of the Post-Office Department, though the result is to make the people of the various States submit to some little inconvenience in respect of the celerity with which their letters are transmitted to some point close to their homes, I think we shall be doing a good thing. Therefore it is that I ask whether we have not here a point where, instead of launching out into these new expenditures, because that is what the effect of the bill is, we may not say that for this year we shall not establish any new post-routes at all, just as we have said, in substance, that we will not build any fortifications at all, and so on.

I am not prepared to make any special motion about it, because I am not sufficiently familiar with the subject of this bill to do so. Undoubtedly there are some items in it that are of prime public necessity; but taking it as a whole, considering the enormous proportions of this bill and the tens, and perhaps hundreds, of thousands of miles of service that are established in it, it has occurred to me whether here is not a golden opportunity to preserve the Treasury without doing any serious detriment for the time being to the interests of the people of the United States. I should like to hear from my friend from Maine upon that topic.

Mr. HAMLIN. I have no doubt myself if we look around us we may find many opportunities in retrenching the expenses of this Government in the manner which the Senator from Vermont has suggested. We might amend the law and declare that Senators and Representatives in Congress should receive no compensation for their services for this year, because it is a hard time. We might abolish any particular branch of the public service for this year because it is a hard time; and we might replenish the Treasury in almost any direction by pursuing as rigid a rule for the various branches as the Senator suggests in relation to post-routes.

If the Senator will look at the bill, he will see that the new routes are mainly made up in the new States and Territories where the population is increasing with great rapidity, where people are going to inhabit and cultivate the lands; and it does seem to me that they are entitled to some mail facilities.

I wish to say to the Senator what I had already stated before the Senator came in, that the Committee on Post-Offices and Post-Roads have examined this bill with a great deal more of care than any post-route bill that has ever gone through that committee since I have been a member of it. We sought the information of the Senator who asked that a route should be established. We asked the information individually. There were some twenty amendments sent over by members of the House. I went over myself with each amendment and saw the member of the House who presented it, and he made to me a statement which led me to believe that the public exigencies fairly required that the route should be established. We then took one other class of cases, a few in number, which were asked for by petitions, which stated the case, and upon inquiry at the Post-Office Department finding the information generally corroborated, we included them. There is one other class, three cases only I remember, of memorials from State Legislatures, which set forth the necessity for certain routes. It is true, undoubtedly, that there may be some routes in the bill upon which service should not be placed, but it is utterly impossible for any one committee to decide those questions as wisely or as well as the Department can, or as well and wisely as the Department will, with all the pressure that may be brought upon it.

The Senator is incorrect in supposing that there is not a very considerable number of routes established upon which no service is placed—I mean for a considerable time, sometimes for years. While I concur fully with the Senator that it is desirable that we retrench our expenses in all possible ways, I think the facilities which will be granted by the establishment of these routes ought to induce us to pass the bill.

I want to say also to the Senator from Vermont that the committee is laboring very industriously for the purpose of finding some method by which the Post-Office Department shall be made, if not self-sustaining, much nearer to it than it now is; and I express the hope that we shall be able in a few days to make a report to the Senate, followed by other reports, which, if they shall meet the approving judgment of the legislative body, both House and Senate, will improve the financial condition of the Post-Office Department by some four or five or six million dollars. If Congress shall be able to accomplish such a result, we shall, I hope, bring the Department within the rule of being self-sustaining, or at least within that limit which will make it self-sustaining if we allow it an appropriation from the Treasury which shall be an equivalent annually for the service that the Government receives from the mails. That I would regard as self-sustaining, because I think we should not call upon any one class of our community to support the system exclusively for the benefit of the Government, as we should not call upon the Government to sustain it for parties outside, for whose benefit primarily it was originally established.

Mr. EDMUNDS. May I ask the Senator, as I dare say he can tell us readily—I do not know myself—what the total amount of the Government postage for the last fiscal year, under this extraordinary stamp contrivance that we have, has amounted to; that is, the paper. Supposing the stamps had represented actual value, what would have been the whole amount of postage paid by the Government in the last fiscal year?

Mr. HAMLIN. I cannot give the Senator the precise figures, but I approximate very closely to it when I say \$1,400,000.

Mr. EDMUNDS. Now, can the Senator tell me, as I have no doubt he can, (because I am sure he does not understand that I am criticising the committee; I am only making general observations,) how much the difference between receipts and expenditures of the Post-Office Department has been in the last fiscal year; and then, secondly, how much it was in the year before? so as to show to the Senate whether the difference between income and expenditures is increasing or diminishing, taking the last two fiscal years for comparison.

Mr. HAMLIN. I must reply again that I cannot give the precise figures, but I will give them very nearly. The deficiency of the Post-Office Department the year preceding the last fiscal year was in round numbers about \$5,000,000; the last year about \$6,000,000. The Postmaster-General tells us that under the existing arrangement of the Department for the ensuing year it will be about \$8,000,000. I think at the proper time, when I shall ask them to make such changes in the law as the committee believe to be desirable, I shall be able to demonstrate to the Senate that under existing laws our deficiency for the ensuing year will exceed \$10,000,000. The Postmaster-General estimates it at about \$8,000,000; it may be a few thousand dollars more or less; I do not recollect; but I am approximately accurate.

Mr. EDMUNDS. The substance of it is that regularly we have what an ancient Commissioner of Agriculture used to call "a most gratifying increase of expenses over receipts." That seems to be the substance of it.

Mr. HAMLIN. That is so.

Mr. EDMUNDS. And what I wish to get at is how far that constant increasing drain on the Treasury is attributable to the enormous extension of new post-routes. Can the Senator give us any information upon that topic?

Mr. HAMLIN. That is utterly impossible. It would be a very great labor to analyze the subject so that I could give a specific reply. I do not think they know at the Post-Office Department. It is undoubtedly true that in the sparsely-settled portions of the country long routes are established over which the mail is transmitted from which we receive very slight revenues; but I think the Senator from Vermont will agree with me that the hardy pioneer who goes into the forest or on to the prairies has a right to ask for mails, and we are bound to extend to him, the frontiersman, reasonable mail facilities. There is no process in the world by which you can do that if you shall require every route to be anything like self-sustaining.

Mr. DAWES. I would inquire of the chairman of the committee if, in the book-keeping of the Post-Office Department, the amount which the Government pays for its own postage enters into the expenses?

Mr. HAMLIN. It does not enter in.

Mr. DAWES. Then postage charged to the Government is in addition to the expenditures?

Mr. HAMLIN. I remarked a moment ago that the Postmaster-General had stated that the deficiency for the ensuing year would be \$3,000,000, and that I thought I should be able to satisfy the Senate at the proper time that the deficiency would probably be \$10,000,000; and I propose to do it by showing that the Postmaster-General in his \$8,000,000 had not included a million and a half at least which the Government ought to pay, and will pay, and which should be added to this \$8,000,000; and that and one other item will make the deficiency for the ensuing year, I think, \$10,000,000.

Mr. DAWES. I would like to inquire of the chairman of the committee if he has the data from which he can state whether there would be a penny's greater charge on the mails if the Government postage went free; if he has any idea that it would cost one penny more to carry the mail if the Government postage was abolished and its matter went free?

Mr. SARGENT addressed the Chair.

Mr. EDMUNDS. I had not quite yielded the floor. I merely wish to say, in concluding, as I hope, what I have to say about this bill, that I am as much in favor of the hardy pioneer as my friend from Maine is; I consider myself to be one of that class; but when I look at this bill I find that the hardy pioneer lives in Maryland, and in Massachusetts, and, I dare say, in Vermont. I do not know how the bill is arranged, whether alphabetically or not. I do not see Vermont, but it is usually in.

Mr. HAMLIN. It is in the bill I suppose.

Mr. EDMUNDS. I will not undertake to make capital for my State; but the hardy pioneer lives in Illinois, and in Indiana, and in Georgia, in Pennsylvania, and so on. Therefore I do not think that this can be considered as a bill devoted chiefly to the interests of the hardy pioneer. It is undoubtedly true that all the citizens of this country, whether they are pioneers or what they may be, are entitled to fair and equal privileges under the law; but it does not follow because I choose to go and set up a camp for fishing or shooting in some fastness of the mountains of Vermont or Maine, that all the other people of the United States are to be taxed forthwith in order that I may get my daily papers every morning when I get my breakfast. At least I do not think it does. They are entitled everywhere to what is reasonable undoubtedly; but what is reasonable in a question of this kind depends a good deal upon the condition of the country. If the country is overflowing with wealth and with prosperity, we can give to the citizens of all parts of the country the benefits of the Government, those affirmative benefits of public works, public improvements, and public intercommunication, in a large degree and with more justice and propriety than we can at other times. This is one of the other times. Therefore the question, which I have opened with great diffidence, is, whether this is not the time to say that we will have no further post-routes for this year except in some very special emergency. The Senator says in answer to that, why, you need not vote any compensation to Senators and members of Congress. If it were proposed to vote additional compensation to Senators and members of Congress I should quite agree with him, although he probably knows, as I do, that the present compensation to Senators and members of Congress, with the prices of things in this city, which we can no more control than we can the tides of the sea, does not afford an adequate sum to live upon, if a person, as we are, obliged to stay here more than half the time, has the advantage of having his family and his children with him, whatever he might do if he expatriated himself from his home and left all that was of home behind him. So that is not the point. This is entering upon a new field or an extended field of public service; and what I wish to impress upon the Senate as far as I can is, that in doing that we ought not at this time to go beyond the urgent necessity of each particular case, because, as it appears by the Post-Office reports and transactions, these new routes do very largely every year increase the public expenditure without anything like a corresponding increase of the public receipts. That is all I have to say.

Mr. SARGENT. I think Congress made a great mistake when some years ago it substituted for the cheap method of dispatching Department business the costly one of printing stamps and putting them upon the communications which go out from the Department. By this means, the franking privilege in fact, or the unrestrained use of stamps, is permitted all over the country and to thousands of persons



who never had it before. Under the policy of the old law, a person having a post-office the pay of which was \$12 a year had the right to send his letters in regard to his post-office business free. It was a very strong limit on the franking privilege. In any other office the postmaster had to pay his postage. Perhaps I am mistaken in the limit, but it was something thereabouts, applying to a very low grade of post-offices. Under the present system, postage-stamps are sent to every post-office, to Boston, to New York, and to San Francisco, as well as to the little twelve-dollar post-offices, and there is no guarantee that I know of that these stamps are not liberally used for private correspondence. Furthermore, there is an apparent expenditure out of the Treasury of about a million and a half per annum which goes to swell the budget, and goes to show how extravagant Congress is in relation to the expenses of the Government. In fact, ten, fifteen, or twenty-five thousand dollars at the very outside are thrown away because it is used to print a stamp to put upon a document when the document might just as well go with a stroke of the pen. It does not take any more of the time of the clerk to write a name than it does for the clerk to lick a postage-stamp, while the abuse which I refer to of the indiscriminate and improper use of stamps cannot exist in the other offices, because it is only at headquarters that they have a right to use this method of dispatching documents.

And then, again, there is a class of clerks who are compelled to be employed in order to keep the accounts of these postage-stamps. Altogether it is an expensive system. The Government probably is annually paying out of its pocket something about \$100,000 to administer this law, which saves the franking privilege, while it is not receiving a dollar's benefit and is probably swindled every day by the unauthorized use of stamps. I think a very decided reform—and I commend it to the Post-Office Committee—would be to abolish this system, so far as the Departments are concerned at any rate, of using stamps. Let us come down to first principles. It would not cost a dollar more to carry the mails without the stamps than with them; the Government would not be compelled to spend a dollar, while it would save all this expense of scales to weigh the mailable matter of the Department, of clerks to affix postage-stamps, of clerks to keep an account of the issue of postage-stamps, and would save the temptation we now extend to every postmaster in the country for the illicit use of stamps. I think it would be a reform to put Senators and Representatives in communication with the people as they were before, under a proper law. Perhaps the law before was abused, but I believe the abuses were magnified; they were caricatured and not fairly stated. I think under a proper law that would restrain abuse we should allow a Senator or Representative to communicate with his constituents, to send them information on their business and the public business, and receive from them their petitions or their requests during the sessions of Congress or at any other time when it might be necessary.

But there are certain ways in which the Government benefits the people, as it seems to me, that justify government, justify its existence. One of these methods is by means of the courts which we keep open at very large expense. We have our judges, our jurors, our marshals, our machinery of justice, bringing of course no revenue to the Government of the United States—an expensive process, but it protects the citizen in his life, in his liberty, in his property. For that reason they are important, and we do not ask the question whether they are a burden on the Treasury or not. We only guard that they shall not become too great a burden.

There are other matters, perhaps even of a more speculative nature, as for instance the Signal Service. If we are rigorously and sternly economical this year and determine to cut off everything which the Government could exist without, we might cut off the Signal Service. Of course there would not be a warning at Cape Hatteras or along the Atlantic coast or on the Gulf of the approach of storms, and we should not see such items we saw the other day in the papers, that a fleet on seeing the storm-signals immediately took refuge, and six hours thereafter a storm burst which unquestionably would have made a great many wrecks among them unless they had received this notice and taken this refuge. Still it can be cut off if we are so economical that we will not try to make the Government a benefit to the people in matters which are not absolutely required for the existence of the Government itself.

There is another branch of the service which has grown up within a few years that perhaps might be cut off on exactly the same principle, but I would not recommend it, and that is the life-saving stations along the Atlantic coast and along the Gulf. I believe they have none on my coast yet, although some exposed points have been legislated for and probably will be provided for during the coming year. Property and life are saved by these means; but the Government can exist without them. They are, however, a benefit to the people. They go right home to the interest of the whole people, and especially of the maritime classes and of merchants who are importing and exporting goods. They are a protection to commerce and the commercial classes and to our marine, and they ought not to be reduced.

In just the same way the postal service is a benefit to the people of the United States. Of course it costs the Treasury, it must cost the Treasury something, and unless we put up the postage probably it will increase perhaps not the percentage it costs, but the actual amount of deficiency will be greater year by year. Nevertheless I do not think

it ought to be cut off. The deficiency should be greater now than it was ten years ago because we have eight million more people now than we had then, and they are not gathered simply in cities but they have gone out to form new communities of growing Territories and growing States. They are at a distance from the old methods of communication.

Unquestionably when the South was cut off by the accidents of war the postal service came nearer being self-supporting than it was before or has been since. I believe that during two or three years of the war it was absolutely self-supporting; but the reason was, that a very large territory in the Southwest less thickly populated than the Northern States was cut off, and we did not need to supply it with postal service; but nevertheless this service needs to be kept up, even if it does cost the Treasury something. A man sits down in his office in Burlington, Vermont, or in New York, or in Massachusetts, and writes a letter directed to Brazos, or directed to Montana; he wants that letter to go; perhaps it is an important communication from him to some person who has charge of his business interests there. Upon the speedy transmission of that letter may depend his interests or sales that he may make of property there, or of merchandise to go there; and consequently it is a benefit to the business of the old part of the country as well as to the new part of the country that communication should be kept up.

With reference to the post-routes in this bill, I have not examined them. I notice in my own State some were put in on my motion though they are not creations of new routes, and I call the attention of the chairman of the committee to that fact. For instance, here is one:

From Guadalupe, Santa Barbara County, via Lompoc, to the town of Santa Barbara in the same county.

That takes the place of another route somewhat longer. The progress of business, the growing up of towns and especially this town of Lompoc, has built up a community at Lompoc overshadowing anything else in its neighborhood, growing up in the last two years with from a thousand to twelve hundred people. This route is consequently shortened by the provision of this bill, and I have no doubt that that is the case with many of the routes which are here named; that is to say, that the growth of the business requires shorter and more direct routes. They build new wagon-roads in the Territories and new States; they make better modes of communication. The original mail service was sent upon natural routes, such routes as they could find along mountain crests or perhaps through valleys unimproved; and by the progress of settlement and the making of better routes they find shorter ones, and consequently they need that the postal service shall be changed; and the Department is extremely technical in this matter. Unless a route is distinctly named in the statute, although it may be a variation from another, they will not accept the variation, though it may be shorter, because they say they cannot let service to run over a route which is not declared by law.

Mr. EDMUNDS. Yes, but is there any instance in this bill in which any post-route is abolished?

Mr. SARGENT. Yes, sir, in effect. There is the one I mentioned from Guadalupe to Santa Barbara, in my own State, where a shorter route is established.

Mr. EDMUNDS. Will the Senator kindly read the clause which establishes the new route and abolishes the old one?

Mr. SARGENT. It is entirely unnecessary to say so expressly, because it is always done.

Mr. EDMUNDS. Well, let me—

Mr. SARGENT. I did not report the bill and do not care to be catechised about it. I am stating a fact within my own knowledge.

Mr. EDMUNDS. Then I thought the Senator would be willing to be catechised.

Mr. SARGENT. I am stating a fact within my own knowledge and stating it clearly, too clearly to be misunderstood. I stated that this route to which I have reference, which is in the bill at my request, is a substitution in fact of a short route for a long one, cutting off I think some fifteen miles. The two roads run not directly parallel, but within a few miles of each other, the shorter one cutting off elbows, the new route taking the place of the old. My observation in the Post-Office Department is that this is the uniform fact.

There is another fact in reference to this bill. The Post-Office Department rules that there are no post-routes except those that are named in the Revised Statutes or in laws that have been passed since the Revised Statutes; but it was found on examination of the Revised Statutes that many routes which are old, which have been run for years, which are as indispensable as any route in any of the old States, (and some of them are in the old States,) were cut off by the Revised Statutes simply because they were not named. The effect of their ruling is to cut off all those routes, and the consequence would be, of course, a very great derangement of public business. My understanding of this bill is that it corrects a great many of these errors in the Revised Statutes. The chairman asserts that the routes which are liable to be cut off for want of being named in the Revised Statutes are replaced in this bill; and consequently the bill ought to pass.

It is entirely optional with the Post-Office Department whether service shall be put on any of these routes which are new. I contend, however, that it is an absolute necessity, and that it is not merely an advantage to the States in the West or Southwest, but it is an advantage to the old States to have their letters carried. Those

who live in the old States and in overgrown cities enjoy all the luxury of the Post-Office Department; they can sit at their breakfast-table and have the postman bring their letters at their breakfasts, and their daily papers and their magazines, or any merchandise that may be sent to them by mail—the eggs, if they please, that they eat at the breakfast-table; they can at their lunch-table have the same thing served up to them, and so at their office during the day and at their houses two or three times a day, as regularly as a telegram is sent from the telegraph office. I think they are not the ones to complain and to begrudge the service which is for the benefit of the more sparsely settled States and Territories, where none of these luxuries are enjoyed. I hold that it is the right of our citizens, wherever they collect into a community—not a mere place for fishing and for hunting, but a community of five hundred or one thousand souls in the new States or Territories—to have rendered to them at least their weekly service. It is the method by which the Government heretofore has treated this matter; it is a wise one; and if it does cost something to the Treasury, it is not more true of it than it is of the Signal-Service, or of the life-saving service, or of the propagation of fishes, or the maintenance of courts, or any of those other matters which are a charge upon the Treasury and bring no revenue to it whatever.

Mr. WINDOM. Mr. President—

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. HAMLIN. I hope we may be allowed, with the consent of the Senator from Indiana, a little while to finish this bill.

Mr. MORTON. If this bill can be disposed of very shortly, say in the course of fifteen or twenty minutes, I shall have no objection; but the other bill has been hanging a good while, and I hope to see it finished.

Mr. WINDOM. I do not desire to take more than one or two minutes—

Mr. MORTON. I will let this bill go on a little while.

Mr. WINDOM. I merely wish to say that in stating the deficiencies of the Post-Office Department, I think there are two things that should be taken into the account, one of which has not been mentioned here to-day. The Senator from California mentions the fact that the repeal of the franking privilege and the printing of stamps and furnishing them to the Departments makes an apparent additional cost of a million and a half or about that. In addition to that, also, it should be stated, I think, that before the repeal of the franking privilege there was a permanent appropriation of over \$700,000, or perhaps exactly that sum, which never entered into the appropriation bill, which never swelled the apparent deficiency at all; so that putting the two items together here are nearly two and a half million dollars of an apparent increase which is no real increase in the service.

So far as the opposition to this present bill is concerned, I think that it is the wrong one to economize on. Perhaps my views of that question may differ somewhat from those of the Senator from Vermont on account of our different positions. If it were not well known that the Senator from Vermont is economical on all occasions, it might possibly be supposed that his zeal in this case for economy was based somewhat on the principles of the individual who during the war was quite willing that all his wife's relations should be drafted. It so turns out that, while every other State of the Union has some post-route in this bill, the State of Vermont has none. I do not suspect that the zeal of the Senator from Vermont has been inspired by that fact; but if it were not well known that he is always for economy, it might possibly be supposed that it was his wife's relations he desired should go to the war rather than his own.

Mr. HAMLIN. There is an error in the bill which I think may be typographical and yet I want to be sure about it. Lines 434, 435, and 436 on page 19 should be transposed. They describe a route in Missouri; it should be a route in Illinois. Those words should be transposed to follow line 191.

The PRESIDENT *pro tempore*. The transposition will be made.

Mr. HAMLIN. I wish to say one word and only one word in reference to the suggestion of the Senator from California, and that is as to the matter of furnishing stamps for the use of the Government. The Committee on Post-Offices and Post-Roads are considering that very subject, and I am happy to say that I concur most cheerfully with the suggestion made by the Senator from California that we want the use of no Government stamps; that whatever may belong to the Government, whatever they may have to transmit in the mail, should bear the distinguishing mark of the Department from which it goes, and that is all. Then at the end of the year I hold that the Government should make an annual appropriation which would be equivalent to payment for all they have occasion to use the mail service.

My friend from Massachusetts put the question directly to me, if the mail matter of the Government were to be transmitted through the mail without stamps, whether it would cost any more; or, in other words, if it adds anything to the mail service. I answer yes, it does. Nine-fifteenths of our service is predicated upon the weight of the mail; consequently nine-fifteenths of that weight would have to be paid for in increased amounts that are paid to your railroads. I think of the other six-fifteenths you would have about the same thing, because over any route now performed by coach service the man who makes the bid does inquire as to the amount of mail matter that he will usually have to carry, and he makes the weight of the mail one element of his contract.

I wish to say that we shall at the proper time submit a series of measures for the consideration of the Senate, and if there is that earnestness which is manifested by the Senator from Vermont to correct the existing, I will not say evils, but the existing condition of things in the Department and to bring it back toward being self-sustaining, the Senate shall have measures upon which they can vote to accomplish that result.

Mr. SHERMAN. I should like to ask my friend from Vermont a question before he takes his seat. Do I understand him that the post-route bill or the insertion of a post-route in this bill makes it mandatory upon the Postmaster-General to establish service over that route?

Mr. HAMLIN. Certainly not.

Mr. SHERMAN. Now I wish to call attention to the fact that the language of the Revised Statutes changes what I always understood to be the established law. I have always understood that inserting a post-route in the post-route bill did not make it mandatory to put any kind of service on it; that it was not to be done unless the Postmaster-General saw proper. The Revised Statutes, as we have them before us, change, in my judgment, that law. I will read the section. In the first place, after making certain railroads and other public lines of communication post-routes, the section says expressly:

The Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper.

He is bound under the law therefore to carry the mail over all post-routes, and the only thing left to his discretion is how often. The section is cited as derived from an act of 1872. It certainly is not the law as I understood it to be; and I call the attention of the Senator from Maine to it, so that he may look into it.

Mr. PADDOCK. It is certainly not the practice of the Department.

Mr. HAMLIN. I will be frank in saying that I was not aware of the phraseology of that section; but they do not give that construction to it at the Department. They give the construction to that law, if that is the one under which they act, that there is a discretion within the Postmaster-General to establish service only upon routes where his judgment shall determine it to be right and proper.

Mr. SHERMAN. I have no doubt that is the law; but by the Revised Statutes, which are now the only law on the subject, and which the Postmaster-General, if his attention is called to the subject, is bound to obey, he is bound to put on every post-route service of some kind and for some time; and the only discretion he has is how often. I call attention to it, so that the Senator may in the first postal bill where he thinks it would be proper and pertinent see that it is made right.

Mr. PADDOCK. I desire to say to the Senator from Ohio that in my own State I know the practice of the Department is different; because during the past season, in the interest of economy, the Department has withdrawn service altogether on several routes.

Mr. SHERMAN. Still the law is mandatory; and all I want to do is to correct the law according to the practice.

Mr. CAMERON, of Wisconsin. I wish to submit an amendment, to strike out lines 921 and 922, on page 38. The route intended to be established by lines 921 and 922, on page 38, is provided for in lines 903 and 904.

Mr. HAMLIN. That is an error of the House. One of them should be stricken out.

Mr. CAMERON, of Wisconsin. I move to strike out lines 921 and 922.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

It was ordered that the amendments be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

#### REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the bill (S. No. 491) granting a pension to Eliza S. Manchester, asked to be discharged from its further consideration; which was agreed to.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1796) to grant an American register to the Hawaiian bark Arctic, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BOUTWELL, from the Committee on the Revision of the Laws, submitted a report, accompanied by a bill (S. No. 649) to perfect the revision of the statutes of the United States; which was read twice by its title.

The report was ordered to be printed; and, on motion of Mr. BOUTWELL, the bill was recommitted to the Committee on the Revision of the Laws.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the bill (S. No. 563) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof, reported it with amendments.

#### EULOGIES ON SENATOR O. S. FERRY.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution for printing 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Orris S. Ferry,



late United States Senator from Connecticut, have directed me to report back the same with an amendment. The amendment makes an appropriation, and therefore the form of the concurrent resolution should be altered to a bill, which I will thank the Clerk to do.

The PRESIDENT *pro tempore*. That change will be made.

Mr. ANTHONY. The resolution calls for a portrait of Mr. Ferry, and directs the Secretary of the Treasury to have it engraved and printed. A previous resolution ordered a portrait of Mr. Wilson in the same way; but there is no appropriation for carrying on the Bureau of Printing and Engraving, and the superintendent of that branch of the service is unable to execute the order of Congress unless there be an appropriation, and this makes an appropriation therefor.

In offering this bill I desire to state that the practice of publishing the eulogies on members of Congress, with portraits, has become so well established, that it would be hardly consonant with the feelings of any of the Senators to break from it unless by some general rule applicable to the future; certainly we would not wish to depart from it in the case of Mr. Ferry, a man for whom we all had the highest admiration and respect. I understand there will be another proposition like this coming from the other House, and after that it is the opinion of the committee that the practice should be abandoned. It was abandoned some ten or twelve years ago, but has been gradually resumed.

Mr. STEVENSON. How long has it been the practice? I have known cases since I have been in the Senate where it has not been done.

Mr. ANTHONY. It was the practice when I first came to the Senate, and was soon after abandoned; but it has been resumed in the last seven or eight years, so that the practice is now pretty uniform.

Mr. STEVENSON. Several cases have occurred in the Senate since I have been here. I can understand an exception in the case of a President or Vice-President of the United States; perhaps that might properly be regarded as an exception; but I had supposed the rule had not been re-established of printing portraits of deceased Senators.

Mr. ANTHONY. There was a portrait of Mr. Sumner and a portrait of Mr. Fessenden, and we all supposed the Senate would not like to omit any mark of respect to Mr. Ferry which had been shown to those who had preceded him. It was so in Mr. Buckingham's case also.

Mr. STEVENSON. When my late colleague, Mr. Garrett Davis, died, there was no portrait of him published, and I was informed that the custom had been abandoned.

Mr. INGALLS. Does this contemplate the engraving of a new plate, or printing the impression from one already existing?

Mr. ANTHONY. Engraving a new plate.

Mr. SHERMAN. I hope the Senator from Rhode Island will at once introduce a resolution that hereafter, so that it may not apply to any case which has occurred, this habit of publishing obituary notices of this kind shall be discontinued. It is growing into an abuse. It was abandoned at one time, as I remember very well; I think a resolution was passed, or at all events an agreement was come to, that we would not publish such notices in this form, but let them go into the CONGRESSIONAL RECORD in the permanent record of our proceedings. It seems to me the practice of publishing of 12,000 copies of eulogies on a Senator ought to be discontinued. After this case has passed, we ought rigidly to adhere to the rule.

Mr. ANTHONY. And there is one other case of a member of the House, who is already deceased, in whose case a resolution will probably come over.

Mr. SHERMAN. As to those who may die hereafter we ought to agree.

Mr. ANTHONY. I think the practice to which the Senator from Kentucky refers was resumed in the case of Mr. Douglas, of Illinois, as to printing eulogies, and has been continued ever since.

The bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on announcement of the death of Orris S. Ferry, a Senator from the State of Connecticut, was read three times, and passed.

#### HARVEY & LIVESKY.

Mr. HOWE. The other day I entered a motion to reconsider the vote by which the Senate agreed to the report of the Committee on Claims upon the petition of Harvey & Livesey, praying compensation for labor, materials, and damage under contract for masonry-work to piers and abutments for bridge at Rock Island, June 1, 1869.

I ask now that the Senate will agree to that reconsideration, and recommit the petition to the Committee on Claims.

Mr. WRIGHT. I understand the Senator from West Virginia who, I believe, made the report makes no objection to the recommitment.

Mr. CAPERTON. No, sir.

Mr. HOWE. I spoke to the Senator from West Virginia.

Mr. WRIGHT. Perhaps there is no fair objection.

The motion to recommit was agreed to.

#### BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 645) for the relief of the legal representatives of Charles M. McCord; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 646) to regulate the practice in circuit courts upon decrees of final injunction in patent cases; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 647) for the more effectual prevention of cruelty to animals in the District of Columbia; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 648) to provide for changes in alleys in the city of Washington by assent of parties interested; which was read twice by its title.

Mr. MORTON. I introduce the bill by request. I am not advised of the merits of the bill, but I move to have it referred to the Committee on the District of Columbia.

The motion was agreed to.

#### RETIREMENT OF A JUDGE.

Mr. EDMUNDS. I ask unanimous consent, before taking up the special order, to call up the bill providing for the relief of the judge of the western district of Pennsylvania. It is a bill that will excite, I suppose, no discussion, and the public interest seems to require that this judge should be allowed to resign at the earliest moment possible, as he is incapacitated for business.

There being no objection, the bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire was considered as in Committee of the Whole. It extends the provisions of section 714 of the Revised Statutes to Hon. Wilson McCandless, judge of the district court of the United States for the western district of Pennsylvania, in consequence of his physical disability, notwithstanding he has not attained the age of seventy years.

The Committee on the Judiciary proposed to amend the bill by adding the following:

*Provided*, That said McCandless shall resign his office within six months next after the passage of this act.

The amendment was agreed to.

Mr. EDMUNDS. I move to strike out the words "the honorable." That term is never inserted in bills. This gentleman is an honorable gentleman.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 192) authorizing the sale of certain lands in Vincennes, Indiana;

A bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory;

A bill (H. R. No. 1816) to repeal section 1218 of the Revised Statutes of the United States;

A bill (H. R. No. 1297) prohibiting the cutting of timber on any Indian reservation or lands to which the Indian title or right of occupancy has not been extinguished, and for other purposes;

A bill (H. R. No. 2121) to authorize commissioned officers of the Army to make deposits under the act of May 15, 1872; and

A bill (H. R. No. 2821) to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876.

The message also announced that the House had passed the bill (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, agreed to the conference asked by the Senate on the disagreeing votes of the Houses thereon, and had appointed Mr. ROBERT HAMILTON of New Jersey, Mr. SAMUEL J. RANDALL of Pennsylvania, and Mr. WILLIAM A. WHEELER of New York managers at the same on its part.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 359) to incorporate the Washington City Inebriate Asylum, in the District of Columbia; and it was thereupon signed by the President *pro tempore*.

#### FIRST TROOP, PHILADELPHIA CITY CAVALRY.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up a House bill, which will take but a moment. It is the bill (H. R. No. 2012) to authorize the sale of certain ordnance stores to the First Troop, Philadelphia City Cavalry. I will read the bill, and I think there will be no objection to it. It provides:

That the Secretary of War be, and he is hereby, authorized to sell to the First Troop, Philadelphia City Cavalry, at the cost price thereof to the United States

one hundred new Springfield carbines, caliber forty-five hundredths, with such accoutrements, equipments, and ammunition for the same as may be required, the money received therefor to be passed on the books of the Treasury to the current appropriations for the Ordnance Department of the Army.

I will say that the First City Troop of Philadelphia was organized in the early part of the Revolution and has existed ever since. It was the body-guard of General Washington and was with him in his fights in the Jerseys. It has been kept up continually, and the city of Philadelphia has great pride in it. It was originally composed of the most distinguished men of that city, and the desire has been ever since to make every one of its members worthy to fill a much higher place than he does in the company. They are all gentlemen. They never interfere with anybody, but do their duty faithfully. At the beginning of the Mexican war they sent their captain out with a company to Mexico. At the beginning of the last war the company volunteered to serve a couple of months on the Virginia border, and on all occasions they are always ready to do that which a gentleman will do, his duty and more than his duty. They ask for no favor. They propose to pay the price these arms cost the Government and turn the money in before they get the carbines.

Mr. LOGAN. I do not want to make any contest about the bill, but I suggest that I do not think it has been considered by the Military Committee. I do not know but that there may be great merit in it; but I think it ought to be looked into, because there has been an application made for arms to be furnished to various companies in Charleston, South Carolina, and divers and sundry companies all over the country, and in the Military Committee these applications have had some consideration and we have been inclined to think that the arms furnished to the different States on the requisition of the governor were sufficient and that we could not set the precedent allowing arms to be given out in this way. This is a different case; it is for a sale of the arms; but the same request may be made by a great many persons all over the country in order to get arms very cheap. It strikes me it is a matter that had better be considered by the committee. I think the bill ought to go to the committee.

Mr. CAMERON, of Pennsylvania. I have no objection to its going to the committee, but it seems to me that this would perhaps be a good precedent. It is the only case where any company or association of persons have offered to pay for what they get. These gentlemen will pay the full cost of the carbines and pay the cost of their transportation from the arsenal to Philadelphia, and I think it would be a good precedent to set before other people who come and ask for arms, for then we could say "This company here got arms, to be sure, but they have paid for them, and if you will do so we will allow you the same favor."

Mr. LOGAN. I do not know that I have any opposition to the bill, but I would rather that it should go to the committee.

Mr. CAMERON, of Pennsylvania. Then I will not persist.

Mr. THURMAN. It occurs to me that all the security we want is that the arms should be kept in this country to be used by our own citizens. If they are kept for that purpose, we know very well that Springfield muskets or Springfield rifles will not be used against us, but they will be kept for the use of the militia of the United States, in whose hands they will be when they are wanted. Therefore, where there is no danger of the arms being made a matter of merchandise and sold abroad, where they are to remain in the hands of our own citizens, I do not see any objection to our furnishing all that anybody will buy. That is the way it strikes me. These arms will certainly be in the hands of honorable gentlemen who will keep them for the purpose for which they receive them and not make merchandise of them. I really do not see any necessity for us committing the bill, and no reason why it should not pass at once.

The PRESIDENT *pro tempore*. Is there objection to referring the bill to the committee?

Mr. LOGAN. I made no objection to the bill, but I must certainly disagree with my friend from Ohio. If the Government of the United States once engages in the business of making arms for the citizens, I only say it is a new business. We shall have to keep a great many officers engaged in the business at a considerable salary. The salaries of the officers and employés are not considered in making out the cost, nor are the buildings and machinery. So far as the principle is concerned I differ with the Senator from Ohio. I think it is entirely incorrect, and that we ought not to manufacture arms for the purpose of selling them at cost price. If we do, we go to great expense without any benefit derived by the Government whatever.

But I am not saying this in opposition to the bill. The bill may be the proper thing to do under the circumstance, and I make no opposition; I merely ask its reference that it may be considered.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs if there be no objection.

#### COUNTING OF ELECTORAL VOTES.

The Senate resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon, the pending question being on the passage of the bill.

Mr. EATON. Mr. President—

Mr. BURNSIDE. I beg to ask the Senator from Connecticut to yield the floor for a few moments. I move a reconsideration of the vote by which this bill was ordered to a third reading, with a view to offer an amendment.

Mr. MORTON. If I understand the purpose the Senator from Rhode Island has in view, he proposes to offer an amendment. It cannot be done without a reconsideration; but, as the bill has been pending before the Senate for a long time, I suggest to the Senator that he have his amendment read for information, and he can speak to it in the present condition of the bill, and let the vote on reconsideration then be the test on his amendment. That will answer his purpose.

Mr. BURNSIDE. I am quite willing to take that course.

Mr. BAYARD. I hope the motion of the honorable Senator from Rhode Island will prevail. I was not aware that the bill had passed to a third reading. I had intended to offer in the Senate the amendment of the Senator from Tennessee, [Mr. COOPER,] the vote upon which was taken in his and my temporary absence from the Senate. Unexpectedly the vote was reached and taken, and I did desire to submit to the Senate a few remarks in favor of the amendment of the Senator from Tennessee. Now, as the bill has passed to a third reading, unless the reconsideration is ordered by the Senate, we shall be excluded from offering amendments; and yet I did desire that that amendment should be voted upon by a fuller Senate than those who were present at the time the vote was reached. I trust, therefore, understanding the motion of the Senator from Rhode Island to be for the reconsideration of the vote by which the bill passed to a third reading, it will prevail, and that no objection will be offered to it.

The PRESIDENT *pro tempore*. Is there objection?

Mr. MORTON. I withdraw the objection.

The PRESIDENT *pro tempore*. The Chair hears no objection. The motion to order the bill to a third reading is reconsidered, and the bill is now open to amendment.

Mr. BURNSIDE. I now offer my amendment. There is a misprint; the amendment is intended to take the place of the second section of the bill instead of the third as printed.

The Chief Clerk read the amendment; which is to strike out all of section 2 and insert in lieu thereof—

That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, he shall immediately make a report thereof to the Chief Justice of the Supreme Court of the United States, who shall at once cause the said Supreme Court to proceed to examine as to who are the legal electors of said State, and shall have power to send for persons and papers; and the said Chief Justice shall, on or before the last Tuesday in January next succeeding the meeting of the electors of President and Vice-President, report to the President of the Senate which of the said electors were legally elected; and the returns sent by the electors so designated shall, in all other respects they are legal, be counted before the two Houses.

Mr. BURNSIDE. Mr. President, it was my intention to offer an amendment covering the points embraced in the remarks I submitted the day before yesterday; but, inasmuch as a constitutional amendment will doubtless be adopted before the presidential election of 1880, I have decided to confine my amendment to the case of two sets of returns from the same State.

I am aware that there may be a supposed constitutional objection to this, but I think in an emergency like this, if it is possible for Congress to give the Constitution a liberal construction which will enable us to avoid the discord that may arise from double sets of returns from any single State at the next election, we ought to do it. Take, for instance, the case of Louisiana. If the electoral votes should be so equally divided as to make the return from that State decide the election, it is clear to me, and must be clear to every Senator here, that the two Houses would disagree upon that subject. It is clear to me that the present House of Representatives, the same House which is to act when we count the electoral votes at the next presidential election, would declare the McEnery government the legal government of the State of Louisiana. We all know that the Senate would declare the Kellogg government the legal government because it has already passed a resolution to that effect.

Now, Mr. President, is it at all reasonable to suppose that either party would be satisfied with the result in such a case when the electoral votes are counted next February? Does any Senator believe that there would not be great discord in the country if that state of affairs should arise? Yet under this bill it may arise. I hold it to be the duty of Congress to pass some law or make some joint rule that will avert the difficulty.

The objection that my amendment is not constitutional does not strike me with the same force that it does many of the Senators with whom I have talked. I do not consider this a judicial question; I do not consider it a "case" within the meaning of the Constitution. It is simply a call from Congress on the Supreme Court to perform the reasonable duty of instructing them as to which is the legal Government and which set of electors were legally elected in a State. If it is a "case" at all, it is a "case" in which a State is interested, and therefore the Supreme Court has original jurisdiction.

I may say many things that seem absurd to the legal gentlemen in the Senate; but I am striving to get at some practical means of avoiding a very serious difficulty which may arise at the counting of the next electoral votes. If we cannot refer this question directly to the Supreme Court as a court, can we not refer it to it as a board of arbitration? Can they not resolve themselves into such a board for the time being? Is it not their duty as citizens of the United States and as officers of the United States and officers of the highest court of the land, one of the co-ordinate branches of the Government, to perform this work for Congress?



It is clear to me, and must be clear to the mind of every Senator here, that the people of the United States would bow to a decision of that kind without complaint. They are accustomed to regard the decisions of the Supreme Court as of great authority; they are accustomed to respect them, whether they are for or against them. There is no mode I can think of that would give such universal satisfaction to the whole people.

Another thing is very clear to me, that it was never the intention of the framers of the Constitution to make Congress the judge of the qualifications of the electors. If it had been so, the Constitution would have distinctly stated it. It makes each House the judge of the qualifications of its own members in express terms, but it does not imply even that Congress has any right to judge of the qualifications of the electors.

The framers of the Constitution probably never expected a difficulty of the kind we are discussing would arise. It is an unforeseen trouble which is presented to us, and we as representatives of the people are bound to grapple it in such a way as to avoid discord and danger.

I offer this amendment in the best possible spirit. If it does not prevail, I shall vote for the bill as it stands; but I see a gap, and a very wide one, which in my opinion should be filled. I agree entirely with the Senator from Massachusetts [Mr. DAWES] that, as it stands, with the exception of creating a method by which we can have an orderly meeting of the two Houses in case the returns are all regular, there is very little in it.

I am much obliged to the Senator from Connecticut for yielding me the floor.

Mr. EATON. I had supposed, Mr. President, that all amendments that were to be offered to the bill had been offered and disposed of; but now comes in this new amendment, and before I proceed to the discussion of the bill, I will say a word or two in regard to the amendment which has been offered by my distinguished friend from Rhode Island, [Mr. BURNSIDE.]

In my view of the Constitution of the United States it is not competent for Congress to legislate on this subject, to throw into any other Department of Government, or to give to any other man in the world or to any other set of men in the world the power to decide this question. By the terms of the Constitution of the United States it belongs to the Congress of the United States to decide—to no other power, no other body, no other man. I beg leave to suggest to my distinguished friend that by an amendment to the Constitution of the United States, passed by two-thirds of each House of Congress and ratified by three-fourths of the States of the Union, he could arrive at the terms of his proposition, and, in my judgment, in no other manner. Therefore, Mr. President, I shall vote against that amendment.

Mr. BAYARD. With the permission of the Senator from Connecticut I will offer now an amendment, the amendment originally proposed by the Senator from Tennessee, [Mr. COOPER.]

The PRESIDENT *pro tempore*. The amendment will be read for information.

The CHIEF CLERK. At the end of the second section it is proposed to insert:

And that if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Mr. EATON. Mr. President, the amendment which has just been offered by the Senator from Delaware I have no question as to the constitutionality of. If the House and Senate see fit to legislate on this question, it is competent for them to adopt an amendment of that character in accordance with the Constitution of the United States, as I understand that instrument. Objection was made the other day to this amendment, or one of a similar character, by the honorable Senator from Indiana [Mr. MORTON] because it gave to the States too much power; because it gave to the small States a power which they ought not to have under our Government. With all that argument I take issue. I shall not vote for this amendment; but the argument against it in that regard, in my judgment, is not sound. Sir, by the terms of the Constitution of the United States, under certain circumstances the States hold that power, and I know of no reason why Connecticut and Delaware and New Hampshire and Massachusetts, States belonging to the old thirteen, should not exercise the same power with Indiana and Ohio and Missouri, children of the old thirteen. But I do not care to follow that line of argument, because I intend to vote against the amendment.

As I said yesterday, so I again say to-day, that the remarks which I shall submit to the Senate will not be in any degree tinged by an exhibition of party feeling. My views of the importance of the subject, for upon it rests the peace of the whole Federal Union, the peace and well-being of the entire people of this broad land, I trust will prevent from allowing any partisan feeling to appear.

It may not be unimportant to allude to the great contest in 1801, which contest discovered to the people of the Union that there was a great and lamentable defect in the Constitution of the United States. By the very means of that defect in the Constitution, the wishes of a large majority of the people of the United States came very near being defeated; an individual came very near being elected President of the United States who did not receive in fact one single vote within the limits of the Union for that high office. Thomas Jef-

erson and Aaron Burr were the candidates of the then republican party for the offices of President and Vice-President. They received an equal number of votes, and by the terms of the Constitution as originally framed neither of them was elected President because a majority was necessary in order to constitute either of them President of the United States, and so the election was devolved on the House of Representatives. For many days a great contest went on; public feeling was aroused all over the country; but I am happy to be able to say here in 1876 that there were in 1801 honest public men, as I believe there are in 1876 honest public men. There were on that occasion men who trod under foot their political views, and one of them, a distinguished Representative from Delaware, the grandfather of one of our own number, a federalist of great renown, did not press the vote of his State, and thus Mr. Jefferson was elected to the office that the people designed him for. There were then, as there are to-day, public men in whom the people had confidence without regard to their political opinions. Mr. Jefferson was elected. Mr. Burr, of course, by the terms of the Constitution was elected to the second office. An amendment to the Constitution was necessary that there might not again be a difficulty of that character. The Constitution was amended, and from that day to 1865 the Constitution answered a proper and a beneficent purpose. In 1865 a little tinkering was thought necessary to be done and legislative action was had upon this very subject, and perhaps in another part of my remarks I may say more in regard to the unwisdom, the absurdity, the foolishness of that action. I take occasion now to say that we had better not again be guilty of any such absurdity or foolishness of that character.

Sir, there are two questions which each Senator ought to answer to himself. First, have we the power to legislate on this subject? Under a clause of the Constitution, I have no doubt that where the instrument is not plain in its terms, where its implied powers are not thoroughly understood and agreed upon, it is within the province of Congress to legislate upon the subject. Therefore in my judgment, as in the opinion of other Senators, legislation may be had when necessary to carry out the implied powers of the Constitution; but I desire to impress it upon every Senator in this body that all such legislation should be avoided, if possible. It is a dangerous power to exercise even when you possess it under the Constitution.

It becomes necessary, Mr. President, that we should look at the Constitution, because the second question to which I address myself is this: Is there any necessity for legislation? I desire to call the attention of the Senate in this connection to a clause in the Constitution which has before been read:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

"The President of the Senate shall open all the certificates." That is his duty; that devolves upon him by the Constitution of the United States; and there is the end of his duty. So far as the Constitution is concerned, he opens the certificates, "and the votes shall then be counted." The duties of the President of the Senate or of the Vice-President of the United States are defined by the Constitution. There are other duties, and I shall have occasion, if timeserves me, to speak at length upon the duties which devolve upon the Senate and House of Representatives; but right here I desire to speak of the operation of that law, that constitutional law, as it sufficed to carry this people from 1801 to 1865. For more than sixty years the people of the United States went on and elected their electors of President and Vice-President; the certificates were sent to the Vice-President of the United States, the presiding officer of the Senate, and there never was any trouble, there never was any difficulty, there never was even (and that is the trouble we find to-day) discussion enough upon that very clause of the Constitution for the lawyers of the land to form their opinions; and we come now to the discussion of that question to-day, when, in my judgment, it has not ever been thoroughly discussed before, because there has been no necessity for the discussion.

But, sir, in 1865—and why I do not know; why I cannot conceive; why I have never heard anybody say—honorable gentlemen, acting under doubtless a high sense of duty, passed a certain rule which was called the twenty-second joint rule. Why they passed it nobody has ventured here to say; perhaps I shall learn by and by. There never had been any difficulty under the Constitution. Right in the throes of war, with a Vice-President occupying the seat which you honor and dignify, sir, of secession sympathies, a candidate himself for the high office of President of the United States, the certificates of the electors were opened according to law, and Lincoln and Hamlin were declared President and Vice-President of the United States. Why the necessity, then, for any such rule as the twenty-second joint rule? When the country was on the very verge of the most destructive civil war ever known to man, this instrument, this Constitution of the United States, controlled, and the personal honor, the personal integrity, of the then Vice-President of the United States forbade him not to do his whole duty, his full duty. Sir, I thank God I have not lost all confidence in the personal honor and the personal integrity of man.

Then why was the twenty-second joint rule adopted? I will not undertake to say that it was adopted for the very purpose of disfranchising a people, but I say it has had the effect. But no matter why, the very fathers of it disown the child. It is no longer the rule. It is repealed. Now, sir, where does the repeal of that rule leave us? That

is the question. One good thing was done when the rule was repealed; but where does that leave us? The repeal of that rule leaves us exactly where we were before the rule was passed. The Constitution of the United States is now the governing power of the Senate and House of Representatives with regard to the election certificates of which I have spoken. The action of the Congress of the United States, or, if gentlemen desire to be technical, the action of the Senate and House of Representatives of the United States, under this clause of the Constitution was for seventy years honest, honorable, upright, just. What business has any man to suppose that it is going to be dishonest and corrupt hereafter? Sir, it is an old saying, and perhaps smacks somewhat of a vulgar saying, to speak well of a bridge that carries you safely over. Now, with this clause of the Constitution which has carried us along for three-quarters of a century why should we find fault to-day?

We are told that it is a dangerous power to be intrusted to a single man, and he a possible candidate. There never was a cause in the world so weak but what its advocates could find reasons, poor ones, not infrequently; but one of the reasons that have been most harped upon here is that this is a dangerous power to place in the hands of one man. Sir, is this question properly understood? I said some minutes ago that the question had not yet been thoroughly discussed by the legal talent of the United States; it has been discussed, but not thoroughly. Does it rest with one man? Not in my judgment would the exercise of the power be dangerous if it did, but I will speak of that in another place; but does it rest with one man? I say no, sir, a thousand times, no; it does not rest with one man. But suppose it does; let us for one moment consider the question from that stand-point. Suppose it does rest in the hands of the Vice-President of the United States or the President *pro tempore* of the Senate. For seventy-five years it has been properly exercised. We have been told on the floor of the Senate that six times within the last seventy-five years Vice-Presidents who have been candidates for re-election or for the Presidency have exercised this power. Six times in the last seventy-five years have candidates exercised this power; and yet the stars have not fallen, no injury has been done to any of the people of this land, and why beg a fight now? Why insist upon it that there is to be corruption hereafter.

Mr. President, one would suppose, I have been almost induced to suppose, that honorable Senators here gravely fear, assuming that the power is in the hands of the President of the Senate, that some time in February next the President of the Senate of the United States will degrade his character and dishonor his high place. Sir, I do not fear it. I deny the power. I say, and shall endeavor to show before I get through, that it is somewhere else; but, assuming the power to be in the Vice-President of the United States, I do not fear it.

But now what is the true intentment of the Constitution? I desire to say, and particularly to my honorable friend from Indiana—for I know his ability and the power with which he grapples with constitutional questions—that for more than sixty years no question was ever raised; and there is the trouble with this whole matter to-day. The votes were opened, the certificates were counted, the election declared; everything went along as smooth as a marriage-bell.

Mr. MORTON. Let me ask my friend if he thinks we ought to wait until after the trouble does occur?

Mr. EATON. No.

Mr. MORTON. I call my friend's attention to the fact that in 1857 in the counting of the votes a question arose which happened to be unimportant because it did not change the result. It was in regard to the counting of the vote of Wisconsin; but the danger that the nation passed through at that time, and avoided simply by the fact that the vote was not important to the final result, was such as to fill every member of both Houses of Congress with alarm, as is shown by the debate that subsequently occurred. Had the result of that election depended on the vote of Wisconsin nobody can tell what might have happened.

Mr. EATON. The Senator from Indiana reads me rightly; I do not wish the horse to be stolen before a lock is put upon the stable door. I do not intend that it shall be stolen. I simply desire to say that in my judgment this question has not yet been thoroughly discussed; I hope it will be by my honorable friend from Indiana before the debate closes upon this bill. In the minds of many men whose opinions are deserving of great respect, among them the honorable Senator from Indiana and my distinguished friend from Ohio, [Mr. THURMAN,] the time has arrived when something ought to be done.

Now, Mr. President, I desire again to look at the clause in the Constitution: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." By whom? I insist, and I assert without fear of successful contradiction, giving due weight to the argument of my distinguished friend from North Carolina [Mr. MERRIMON] made yesterday, that the votes are counted by the Senate and the House of Representatives, and not by the Vice-President or the presiding officer of the Senate. In my judgment, the Vice-President is the organ of the two Houses, and nothing else. It has never been my fortune, whether good or ill, to be present there as an actor or a spectator when the votes have been counted for President and Vice-President.

Mr. SAULSBURY. If the Senator will allow me, he says the presiding officer of the Senate is the organ of Congress. I wish to pro-

pound this question: Is it competent, if the two Houses of Congress see proper, to appoint some other organ for Congress to make known its will, or whether he considers that under the Constitution the President of the Senate is made the organ of the two Houses?

Mr. EATON. Of course he is. It is said by the Constitution that he shall be.

Mr. SAULSBURY. To count?

Mr. EATON. No, to open. Will my friend state the question again?

Mr. SAULSBURY. I understood the Senator to say that the President of the Senate was the organ of the two Houses for the purpose of counting. I do not know whether I understood him correctly. Then I follow the precedent. It has been the practice, I understand, that he does open and announce the vote. I ask the Senator if he thinks it competent for the two Houses of Congress, when assembled, to appoint some other organ for the purpose of counting the votes?

Mr. EATON. They do now. They do it every time they meet. They always do it.

Mr. JOHNSTON. Will the Senator allow me?

Mr. EATON. Certainly, but I would like to answer one first. The Constitution of the United States points out who shall open the certificates. The two Houses appoint counters now. Who are counters? The tellers. Who appoints them? The Senate appoints its teller and the House of Representatives appoints its tellers. Am I wrong? I suppose I am entirely right. The misunderstanding of my distinguished friend from Delaware consisted in this: I said that the President of the Senate was the organ of the two Houses for a certain purpose; he is the organ of the Constitution to open the votes; he is the organ of the two Houses to declare the result after the two Houses have counted. There is no doubt about it in my mind; it is as clear as God's sun. Let me read. For another purpose, I sent for the Globe of 1860-'61, and I will read from page 894. I think I am entirely right. The manner of going into the House, &c., I will not read:

The Vice-President took his seat on the right of the Speaker of the House of Representatives, and presided over the joint convention of the two Houses. The members of the Senate occupied seats provided for them in the area of the hall.

Mr. Trumbull, the teller appointed on the part of the Senate, and Messrs. Phelps and Washburne of Illinois, the two tellers appointed on the part of the House, took their seats at the Clerk's desk.

Mr. JOHNSTON. Tellers appointed by the President or by the Senate?

Mr. EATON. I have said by the Senate or by the House. "The teller appointed on the part of the Senate" is the language and "the two tellers appointed on the part of the House." I have been informed, I will say to my friend from Virginia, by a member of this body who has acted as a teller in the other House, that he was appointed by the House, and the Senate appointed its teller.

The VICE-PRESIDENT then said:—

And this is important—

"The two Houses being assembled, in pursuance of the Constitution, that the votes may be counted and declared for President and Vice-President of the United States for the term commencing on the 4th of March, 1861, it becomes my duty, under the Constitution, to open the certificates of election in the presence of the two Houses of Congress. I now proceed to discharge that duty."

That is all he had.

The VICE-PRESIDENT then proceeded to open and hand to the tellers the votes of the several States for President and Vice-President of the United States, commencing with the State of Maine.

The votes having been opened and counted, the tellers, through Mr. Trumbull, reported the following as the result of the count.

And then follows the result.

Mr. JOHNSTON. When was that?

Mr. EATON. February, 1861. Now, sir, what can be clearer to the mind of any constitutional lawyer than that the duty of the Vice-President is to open the certificates? They are sent to him; he is their custodian. On a certain day he meets the two Houses together in joint convention. He, their presiding officer, opens the certificates; and the Senate and the House of Representatives, through their tellers, count; not he. Sir, I have no doubt on this subject. That is the entire duty of the presiding officer of the Senate; not that, if I am wrong and it is his duty to count, I fear that he will not discharge his duty. I am talking now about what I believe the law is, the organic law of the land. Take the other view of this case. What are we, if we should live until the time arrives, and what are the members of the House of Representatives? Witnesses of a pageant; that is all. According to the theory of my friend from Indiana, and I believe also of the distinguished Senator from Ohio, we are simply witnesses of what transpires, got together in the House of Representatives or somewhere else as mere witnesses of a pageant; under, as some Senator observed, a separate organization: the House under its Speaker, the Senate under its President. Our fathers who formed this Constitution had been at town-meetings. They were known and are now known all through New England. It has been my good fortune to preside at many a one, but I should have hated to see another one in another corner of the hall.

I do not apprehend that there can be any doubt upon this subject. The two Houses go into joint convention for that purpose. When in joint convention the Vice-President, the second officer under and known to our form of government, becomes the presiding officer of that joint convention; and in case of his inability to be there the President *pro tempore* of the Senate occupies the position. Further, for I



propose to meet this whole question, I will suppose that we are in joint convention next February. Our distinguished friend, the Presiding Officer of the Senate, who, I take the liberty to say, has been exceptionally fair as Presiding Officer of the Senate, is the presiding officer of that joint convention. Two returns come up from the same State, I will say my own State. I do not know well how anybody can steal the seal of the "nutmeg" State and get two returns here; but I will suppose that two returns do come up from Connecticut. I will suppose that, not the distinguished Senator from New York, [Mr. CONKLING,] (for he might not like to count on that occasion,) but my good friend the Senator from Massachusetts nearest me [Mr. BOUTWELL] is the teller appointed by the Senate. Two tellers have been appointed by the House of Representatives. What is it the duty of the honorable President of the Senate to do? Here are two returns from the State of Connecticut. Does he count them? No, a thousand times no. He has no warrant for it. There is no warrant in the Constitution; there is no warrant in practice for it. What does he do with those two returns? He passes them over to the honorable Senator from Massachusetts, our teller, and the two honorable tellers from the House of Representatives, and those three men count and determine the matter.

I will go further. Suppose that there are two returns from the State of Connecticut, both, for the purposes of this argument, with the great seal of the State attached. It has been known for months that there were two such returns. Everybody has known it. It has been canvassed through the public press. There is not a member of the Senate nor a member of the House of Representatives who is not thoroughly informed with regard to those two returns and all the antecedents of those two returns. Do not let us blink this question. It is known that one of them is a bare, open fraud. One is the valid one; the other is the fraudulent one. The Senate know it; the House of Representatives know it. Suppose, for the purposes of the argument, that there is a supple tool in the Chair, not you, sir, as President of the Senate. Suppose he assumes to count, against the Constitution and against all practice under the Constitution, the well-known and absolutely false return. He never would count it in the world. He could not count it before the Senate and the Representatives of forty millions of people. Instantly a motion would be made by somebody, my friend from Vermont, or my friend from Indiana, and if by nobody else I would make it. This question would be tried, tried there, and properly tried. Then the joint convention would determine which was the true return; and, after the joint convention had spoken, the world would be satisfied. I say that, after the joint convention of the Senate and House of Representatives of the United States speaks authoritatively with regard to the return from any State, the world will be satisfied.

Mr. MORTON. Will the Senator permit me to ask him a question at this point? Could this joint convention determine it acting as one body, each Senator and each Representative having one vote?

Mr. EATON. Undoubtedly. Under my view, it is decided by a majority vote of the convention. I am very well aware that the Constitution does not expressly say that.

Mr. JOHNSTON. Will the Senator allow me to ask him a question?

Mr. EATON. Certainly.

Mr. JOHNSTON. Does not the Constitution provide that the two Houses shall separate?

Mr. EATON. On this point?

Mr. JOHNSTON. On any question.

Mr. EATON. I do not know; but I would like my distinguished friend to point it out to me.

Mr. JOHNSTON. It applies to all questions that come before that joint convention.

Mr. EATON. It applies to this, I admit. I do not see the point, and there is not any, in my judgment. I assume that it is a joint convention; because everybody else for three-quarters of a century has assumed the same thing.

Mr. WHYTE. Will the Senator allow me to ask a question?

Mr. EATON. Certainly.

Mr. WHYTE. I ask if that very question did not come up in 1857; whether Mr. Mason did not walk out with the Senate, without having any vote in the body at all?

Mr. MORTON. Held it was not in order to make any motion.

Mr. WHYTE. Refused to hear any proposition.

Mr. EATON. Then all I have to say about it is that he did not do his duty. That is all there is about that. The question was a new one. It will not be new next February. We are now discussing that question, and this is the time to discuss it.

Mr. SARGENT. Will not that be a precedent?

Mr. EATON. It will be; but, to use a common expression, "that skimmer will not hold water," in my judgment. It is a joint convention. I have not time to go back and find, but I presume that the very Globe in which the account is printed calls it a joint convention. If I am right, (and I have no doubt about it,) the vote of every State in this Union will be counted next February; there will be no disenfranchising of the people of a State. The question will be opened and settled and passed on, not by any act of Congress, not by any legislative tinkering upon the Constitution, but by the great governing power of the land, the Constitution itself.

Sir, I should be glad, if time would serve, to discuss at greater

length my construction of this clause in the Constitution; but time forbids. Is there any danger to be apprehended to the country—that is the point that I desire to be calmly considered by every Senator—is there any danger to be apprehended to the country, to its institutions, to the welfare of our people by this construction of the Constitution? Why, sir, the great right of the people is preserved intact, the right to have the certificates opened and counted and the result declared.

There is another point. A friend might say to me from the other side of the Chamber, "There is an objection to this construction of the Constitution, because a party majority would rule." That is true. Party majorities rule everywhere. I recognize the objection and its force; but let the construction of the Constitution be final; let us know what the law is forever. Parties change, but let the Constitution not be changed. This objection comes and must always come under this form of government of ours. Party comes in everywhere. The very amendment that has been offered to-day in good faith by the distinguished Senator from Rhode Island gives to a party man the decision of this question. There is nobody in the United States that is worth having, there is nobody in the United States that can decide the question intelligently that is not in some way connected with some party organization. Of necessity he will not be a partisan in the decision of this question. God forbid! If you should give to the Supreme Court, if you could, the right to decide a question of this magnitude, while I should know that a majority of them belonged to a party different from the one to which I was attached, yet I should believe and expect that their decision would be honorable, just, and upright. We shall all agree upon one thing: no matter what we do, no matter what construction we give to the Constitution, no matter what law of Congress you may pass in order to carry out the principles of the instrument, something must be left to human integrity, something must be left to man's honor, and I thank God for it.

One objection that I have to giving this power to any other body than the two Houses is, because the Constitution lodges it with us. We are forced by the Constitution not to shirk the duty but to perform it, and I ask honorable Senators, have you not confidence in your own integrity?

Mr. President, I have discussed this question at some length, but let me suppose that I am entirely wrong—it is very possible that I may be—let me suppose that under the Constitution the power is vested, not as I claim it to be vested in the Senate and House of Representatives, but in the Vice-President of the United States or the President of the Senate, as the case may be. If it be so, in God's name let it rest there. I thank God I have left in me some confidence in human nature. While I do not desire to say an improper thing in this high body, I have to say this, and I feel I have a right to say it: There is no Vice-President of the United States; there is a President of the Senate, and in that President of the Senate I have entire confidence. Therefore I say that if I am wrong in my construction, let us have no legislation, and let this power rest where our fathers placed it.

Again, by a decision of the Senate the power is claimed—and I will not undertake to say wrongfully—that they have the right daily or hourly or fifteenminutely to make a new presiding officer of the Senate. If that is suggested as an objection, I have to say that I have confidence in the American Senate. I do not believe a majority of the American Senate would place a man in that chair to disgrace common humanity and cast a blot upon the fair fame of the United States. I have no fear, I will not have any fear, on that subject. If my view and construction of the Constitution is wrong and that taken by others is right, whoever occupies that chair in February next will have the proud honor of declaring and announcing the future President and Vice-President of the United States; and, sir, he will do it honestly. With the eyes of the Senate and House of Representatives, with the eyes of forty millions of free people, with the eyes of the whole civilized world upon him, he cannot disgrace himself. Whatever other men may think, I will not believe that integrity is a myth, I will not believe that our form of government has become a mockery all over the civilized world.

Mr. President, believing as I do that the power is ample now, I have voted steadily, as I said yesterday, against every amendment to this bill, and I shall vote against the bill itself for the reasons that I have given, and for the further reason that the second section of the bill is a bid for fraud—open, unmitigated fraud; not that my distinguished and honorable friend from Indiana [Mr. MORRIS] and my equally distinguished and honorable friend from Ohio [Mr. TRUMAN] so intend it; God forbid. They cannot think that I charge them with anything wrong; but I say the second section of the bill is a bid for designing men under it to defraud the people of their rights. Let every Senator read it; that very section tells men all over this Union how to get up a set of returns, to bring them here, and to destroy and disfranchise the vote of a State. Therefore I will vote against the bill.

No legislation, in my judgment, is required. That Constitution under which we have lived, that clause under which we have acted for nearly three-quarters of a century is all we require to-day, no matter how it is construed, either my way or the other way. If anything is required, it is an amendment to the Constitution itself, and not legislation. If I could become convinced that there was any necessity for an amendment to the Constitution, then I would unite with my friend from Indiana in the purpose of framing such an

amendment as would in our judgment answer for the people in the future; but no legislation upon this matter is required, especially no legislation under which one, two, three, or four States may be disfranchised. Let us go on as our fathers did; let us go on under this clause in the Constitution; and, my word for it, the spirit which comes before the eyes of the distinguished Senators from Indiana and Ohio will down, down, at the bidding of the President of this Senate when the votes are counted next for President and Vice-President of the United States.

Mr. BAYARD. Mr. President, the debate that has taken place in the Senate upon this grave and important subject, is a very strong proof of the want of direct provision in the Constitution in relation to this question of the count of electoral votes. It is seldom that so many views so diverse have been expressed in relation to a matter that should seem so simple in itself. At the election that shall have been held before the body of the American people, they will have expressed their will in regard to their candidates, and it would simply seem that nothing more was left than a declaration of results which had already been completed. From the foundation of this Government up to 1872 there had been one remarkable feature, the complete acquiescence at all times and under all circumstances of the people in every State with the result of the election for electors for President and Vice-President. Such a thing as an attempt to contest the election of the presidential electors never was known in our history until 1872. Such a thing as a double return of electoral votes from any State never had been heard of until the evil case and shocking precedent of Louisiana in 1872.

It seems to me that, in considering a question like this, a very grave and important lesson may be learned by us all. If there be a dishonest disposition, it will find some way or other a pretext for its exhibition and gratification. If there be a will, a way will be found for it; and if the disposition fraudulently to escape from the popular verdict does exist and dares to exhibit itself before the people of America, before one of their chief executive officers in the presence of the two Houses chosen by those people as their representatives, and shall not be withered and blasted in the attempt, then it will be a proof that the spirit that made this Government possible, that alone can make it permanent, has died out in the hearts of the American people. This Government of ours, frame it as we may, legislate upon it as we please, was meant, and meant only, for an honorable, a virtuous, and an intelligent people; and if those qualities have so sunk out of sight and practice that fraud in a matter touching their interests so deeply as the choice of their Chief Magistrate can be perpetrated in the presence of the two Houses of Congress, and the man survive it or the party survive it, then I say that our Government has been formed in vain, and we have only proved that we are unfit and unworthy of it.

In the various attempts which have been honestly made, intelligently made, to prescribe some means by which perfect justice may be reached in this important matter of counting these votes, I have felt the truth of Lord Bolingbroke's saying, versified by Pope:

For forms of government let fools contest,  
Whate'er is best administer'd is best.

We had in this country no question as to the action of the Vice-President in opening the certificates; the count of the tellers appointed for the mere arithmetical calculation of the votes cast never was questioned in this country until 1872. Then, under the maleficent working of a rule adopted without regard to the Constitution, under the assumption of powers utterly unwarranted by the two Houses of Congress, there came the assumption of a veto power by either branch of Congress, in silence, without debate, without reason, to throw out the electoral vote and disfranchise one or more communities at will. It was done. It was done in the case of Louisiana. It was done in the face of ballots then in existence, done in the face of returns then in existence which proclaimed palpably that the election had been held and that a majority of many thousand votes had been cast in favor of one electoral ticket. And yet the people of that State were deprived of any voice, and that majority was silenced in respect of its declaration as to who should or who should not be the President of the United States.

Now, sir, I can well understand that in the scant language of the Constitution, in those brief unsatisfactory phrases in which we find all that is to guide us—simply that the two Houses are to meet; that a certain officer is to preside, and that he is to open the certificates, and that then the counting is to take place—there is no suggestion of judgment, no suggestion of discretion, but simply the power to recite in a public meeting the result of action which has taken place theretofore in the States, and which is certified, according to the Constitution of the United States, to a certain officer of the Government. If the spirit which I trust will yet be the ruling spirit of this country, of self-respect in officers, of self-respect in people, of duty and fidelity to the great trusts of government—if this spirit shall prevail, I shall not fear that low fraud can ever be perpetrated in high places without instant moral, and I had almost said I trust physical, death would follow to the persons who attempt it. But nevertheless the time may arise; the suggestion, the evil suggestion has been made, and this bill unfortunately recognizes that fact as a possibility, that without the machinery for conducting a contested election of electors you are still to have a contest without the proper means of deciding it; and how is that to be done? A, B, and C, with their confederates, ten in number say, from the

same State, are voted for against ten other men as electors respectively. One of the tickets is defeated. It is so declared by the executive power of the State to have been defeated. Those on the defeated ticket, not satisfied with the verdict of the people, losing sight of that great duty of acquiescence in the popular declaration, meet and go through the forms of casting their electoral votes for a candidate, and send up here to the President of the Senate that which purports to be the result of their proceedings and a certificate of how their votes were cast. It has been done; the evil suggestion has been made, and this bill proposes to meet it. I for one am glad that it takes not the shape of a joint rule, which may be rescinded at will, as we have seen in this late joint rule begotten and carried into effect in silence and retired from without notification to the other branch of Congress simply by the sole action of the Senate. That rule is at an end. It has proved (not speaking of its own intrinsic want of merit) to have one of the greatest vices that a regulation can have, and that is a want of stability and certainty, because its existence depends upon the pleasure of the accidental majority of either body of Congress. Therefore it is plain that, if we can provide a wholesome and just and proper rule for this important subject, it should take the permanent form of a law, which can only be rescinded by the vote of each House and the signature of the President. Therefore to provide for meeting this question by legislation seems to me the proper way; and the only remaining consideration is whether we have the power under the Constitution so to deal with the subject.

I am inclined to think that there is some power in Congress on this subject. At the same time, I think the discussion we have had will develop to any thinking man the necessity for an amendment to the Constitution, so that there shall be with greater clearness a deposit of unquestioned and unquestionable power in some tribunal upon whose decision the American people will rest with satisfaction and with safety. But until that may be done, I still hope that there may be found warrant for some action which will make confusion, injustice, fraud, and escape from popular results difficult, if not absolutely impossible.

Here by this first section provision is made for the orderly count of the votes, and that no votes shall be rejected without the concurrent action of the two Houses. Then comes the questionable section, the second, which provides that, in case more than one return shall be received from any State, that one of the returns only shall be counted which the concurrent voices of the two Houses, acting separately, shall concur is the proper one to be counted, which means that, if the Houses fail to agree, the vote of the State is not to be counted at all. It will be then perceived that by a disagreement the same result is reached as though you had an absolute veto. The two Houses have but to disagree in regard to the counting of one and then the other of these duplicate returns and no vote is cast. Sir, I do not believe that by any ingenuity, arguing either by the letter or the spirit of the Constitution, it is possible to show that it ever was intended that the two Houses of Congress should disfranchise any State and keep her voice from being heard, according to her right, in the electoral college. I do not believe such a result can be honestly or fairly inferred or obtained from either the spirit or the letter of our charter of Government; and therefore when this question may arise it is bound to be settled in such a way that the voice of the State shall be heard, and that her electoral vote shall not be excluded from the canvass.

Many propositions have been made, and chiefly on this side of the Chamber, to ensure this result. That which was offered by my friend from Tennessee [Mr. COOPER] came nearest to meeting my approbation. I was absent accidentally from the Chamber, as was he, at the time the vote was taken upon it, and for that reason I have renewed the amendment, and now occupy the attention of the Senate for a few moments while I discuss it.

It will be observed that the sole duty and the sole power of the two Houses meeting to witness this counting, and the sole result of that joint convention under the Constitution in the Hall of the House of Representatives, is the ascertainment of a majority of the electoral votes for a candidate for the Presidency and likewise for the Vice-Presidency. The Constitution requires that the person taking this office shall have a majority of all the votes of the electoral college; and, unless that majority shall be found and shall be declared, no election has taken place; and then, immediately upon the failure to ascertain and declare such majority, the power and the duty at once devolve upon the House of Representatives to choose by ballot the President from those two persons having the highest number of votes. What shall defeat the possibility to declare a majority if there be but one return from each State, as there should be if decorum, if self-respect and decency shall govern the American people as heretofore, with the single exception of the case of Louisiana in 1872? Then there will be nothing but the arithmetical calculation of the votes as contained in the single certificates sent by each State to that joint assembly. But if there be a double return, the impossibility of declaring the majority becomes manifest; and then what is the course plainly provided by the Constitution? An election by the House of Representatives, the States voting as States. I do not propose to discuss—it is not necessary—the advisability of this feature of the Constitution. I think a great deal could be said to show why it was wise and right; but, whether wise or otherwise, it is the method pointed out by the Constitution, which we are all sworn to obey; and



it seems to me that, when we have reached a point when a decision must be made in regard to matters not apparently provided for, we can show our duty to this Government and our subordination to the provisions of this charter in no way so well as by adapting them to the case in hand. Therefore, if it shall be that two returns come up and the two Houses do not agree that the proper return shall be counted, then the amendment of the honorable Senator from Tennessee proposes instantly that the tribunal shall settle the question of the proper return which the Constitution has required to choose the President, in case a majority has not been declared of the electoral votes in favor of one of the candidates. The method proposed is in precise analogy; it is not only in analogy but it is in direct obedience to the requirements of the Constitution that confide the question of election immediately to the House of Representatives, that they shall vote as States individually in the event of the joint convention failing to find that a majority of all the votes of the electoral college have been cast for any particular candidate.

Such a proposition, it seems to me, ought to be satisfactory to those who look, as I trust we all do, to the provisions of the Constitution for all the just powers which we propose to exercise.

Sir, it is very important in my opinion that an arbitrament should be provided in advance for this question of double returns. Double returns are in their nature and suggestion fraudulent on one side or the other, because there can be but one set of electors chosen and those who contest it unjustly necessarily are fraudulent. Now, if it shall be known in advance that we have provided a test for this, if it shall be known that we have provided a tribunal capable of making a prompt decision, then I believe the attempt will never be made. The very fact of providing for the arbitrament of choice between two returns, and having that before the eyes of the rogues who propose to contest elections in this way, will deter and discourage them, and the Senate and the House will have no trouble whatever on the subject. Nor have I any idea that the House of Representatives will be called upon at all to act under the provisions of the amendment which I have sent to the Clerk's table. Those who propose this species of contest—because there must be of these two returns but one that is right—will see the folly of the attempt, which can end only in defeat. And when we shall have established a tribunal competent and trustworthy, the very one provided by the Constitution for the election of the President himself in case a majority of the electoral votes has not been declared by the joint convention, when the States acting in their independent and sovereign capacity shall vote as individuals upon this subject, when that power and duty is confided to them, we may be sure that the attempt at a double return will never be made, and the count of the electoral votes will proceed with all that dignity, with all that simplicity, with all that impressiveness which marked it in days gone by.

The spectacle of an administration charged and possessed with all the great affairs of a Government like this, quietly, subordinately giving way to the new expression of the popular will, has been always something that has impressed not only those accustomed in other lands to the violent emotion of rulers no longer desired by the people, but it has been, I believe, a source of more pure patriotic pride to the American people to see their Government a Government of law and of order before which when the wish of the people is duly expressed instant acquiescence to it took place with order, with dignity, and with simplicity.

It is my earnest desire that all causes of dissatisfaction, of conflict, of misunderstanding, of possible difference should be removed, if possible, in advance by some action now in the shape of legislation by Congress. I believed at the beginning of this session, and still believe, that it would have been wiser to commit this question in advance to a joint committee of the two Houses; that they could in seclusion and retirement, without any of the excitement of debate, arrange upon some plan that would have been mutually satisfactory to each House, and therefore likely to command the assent of both. I will not yet despair. I still hope that, if this measure as it shall be passed by the Senate may not meet the concurrence of the House, a committee of conference may yet arrange it. I cannot conceive how any man can so degrade this subject as to bring it down to a mere partisan level. I cannot see how any man contemplating the great difficulty of this subject should not be willing to sink his private opinion in regard to measures in order to do everything that in him lay to produce a quiet, orderly, dignified, and just settlement of this question. Believing that the amendment offered by the Senator from Tennessee is the best solution thus far submitted to the Senate, and that the vote upon it was taken before perhaps with somewhat of inadvertence, I trust it now will receive the approval of the Senate.

As I have said before, I believe the constitution of this tribunal of the House as the ultimate judge in case of difference between the two Houses as to which of the two returns shall be the just one—the mere constitution of that arbiter will of itself destroy the possibility of attempted contest or of attempted duplicate returns. The attempt will not be made because defeat certainly will await it. "Forewarned is forearmed," and therefore I will not believe that in the next presidential election, if this present measure shall become the law, the country will be distracted, disgusted, or disgraced by the sight of an attempt to contest an election by a defeated minority.

For these reasons, Mr. President, hastily and very lamely expressed, I hope the Senate will give its assent to this amendment.

Mr. MORTON. Mr. President, I submit to the Senate that this discussion has demonstrated the absolute necessity of the adoption of a law upon this subject. The diversity of opinion that has been developed here in a season of profound repose, when no party question can enter into it, when it is above and independent of party considerations, shows the necessity of having some established rule when the time comes to count the presidential vote.

Let me suppose, for the sake of the argument, that the two Houses have assembled in the Hall of the House of Representatives to count the votes; let me suppose that two sets of electoral votes have been sent here from the State of Connecticut, and they are opened by the President of the Senate. What shall be done? The Senator from Maryland [Mr. WHYTE] rises and says, "I demand that the President of the Senate shall decide which set of votes shall be counted." The Senator from Connecticut [Mr. EATON] rises and says, as he said here to-day, "No, a thousand times no; the President of the Senate has no such power; the decision must be by this joint convention acting as one legislative body, each Senator and each Representative having one vote; that is the only constitutional method of settling this question between these electoral votes." He takes his seat. Then the distinguished Senator from Ohio [Mr. THURMAN] rises in his place and says, "No, a thousand times no! There is no such thing as a joint convention; a body of that kind has never been recognized under the Constitution, never has been recognized by anybody in three-quarters of a century." I understood my friend from Connecticut to say to-day that for three-quarters of a century the idea of a joint convention had been recognized. I submit that my friend was mistaken in this, that for three-quarters of a century it never was recognized, and I think was never seriously proposed by anybody. The Senator from Ohio says the Senate and the House of Representatives are present here under the Constitution as witnesses and as judges; and if a question shall arise involving a high discretionary power, it cannot be decided by the President of the Senate, whose duty is ministerial; it cannot be decided by a joint convention utterly unknown to the Constitution, entirely anomalous under our system of government; but it must be decided like any other question, by the Senate and House of Representatives, each acting for itself and in its own capacity.

This is the state of the case. The election is to depend upon which set of votes is counted from Connecticut. If one set is counted, the republican candidate is elected; if the other set is counted, the democratic candidate is elected; and here is a diversity of opinion and confusion equal to that which prevailed at Babel. How is it to be settled? Shall the two Houses separate, go to work, and legislate on that question? That may take days. It has taken us seven days here now, in a time of profound repose, to consider this bill, and I am not sure that we shall get through with it to-day, for I am in momentary apprehension that some Senator will get up and move an executive session. But here the votes are to be counted. The 4th of March is close at hand. An utter diversity of opinion exists as to where the power is. The two Houses cannot separate and legislate. What is to be done? We can easily understand what will intervene. It was suggested by the Senator from Delaware a while ago that, in case an officer shall make a wrong decision, the moral reprobation of the world would fall upon him, and he said perhaps physical punishment; that is, he might fall like Cæsar. We can understand when such vast consequences are to depend upon the exercise of a power that may be a clear usurpation, and would be in the opinion of a majority of the people of this country, that that usurpation could not pass with impunity. How, then, can we decide that it shall be done by a joint convention in the passion and excitement of the hour and with such vast consequences depending upon it? How, then, can we decide that it shall be done by the two Houses, acting separately? It might be understood that, if the two Houses were to act separately, the question might be decided one way; if by a joint convention, another way; and, if by the President of the Senate, possibly another way; and the immediate result of the adoption of one or the other of these methods would come in largely to influence the judgment and increase the confusion and the danger of the hour. Therefore, I exhort Senators to avoid this danger by agreeing upon some method. It is not so important what that method is as that there shall be some plan agreed upon that will avoid these dangers which are right before us.

Mr. BAYARD. I concur most earnestly and warmly in this invitation of the Senator from Indiana; and there is now, by the amendment of the Senator from Tennessee, which I have offered again, a fair and a constitutional arbitrament, where the two Houses shall disagree, to prevent the occurrence of that which my honorable friend from Indiana and I both so justly dread and deplore. The proposition is this: that we shall leave it just where our fathers left it; we shall leave it to the same body, acting as they said that body should act when the broad question of the election of President, without respect to the mere contest of votes, should be before them. Leave it just as they left it, to that body for its decision which they said was the proper one to decide the great question of elections, where a majority of the votes of the electoral college had not been declared by the Houses in joint convention to have been cast in favor of any candidate. I agree with my friend that it is not so much the question as to how you shall have this matter settled, although it is important to us as citizens under a constitutional government and acting under its limitations, that we should not create a tribunal unwarranted by the Constitution; but here is a tribunal pointed out by

the Constitution as the peculiar and fitting one upon whom immediately shall devolve the duty of electing the President and Vice-President in case a majority of the electoral votes have not been ascertained to have been cast for any particular candidate. What objection can there be in my friend's mind to adopting this proposition now, offered by the Senator from Tennessee?

Mr. MORTON. Very briefly will I attempt to answer the question of the Senator from Delaware and to state the objection to referring the decision of the question to the House of Representatives voting by States. First, because the Constitution has made no provision for the decision or settlement of any question, judicial or legislative, by the House of Representatives voting by States. It has provided for the election of a President, an anomalous, unfair, and, in my judgment, dangerous method, in a certain case; but in no other contingency is there to be any question settled in this Government by the House of Representatives voting by States. I would not extend the idea of settling questions by the vote of States, giving to the State of Nevada the same voice with New York, which has one hundred and fourteen times the population of Nevada.

Mr. WHYTE. I want to ask the Senator from Indiana if he does not really, under the second section of this bill, in a certain contingency, do the very thing that he now objects to doing; that is to say, upon a certain contingency throw the election into the House of Representatives? Take this case, and it is a mathematical calculation. It takes 185 votes to elect a President of the United States in the present college, counting Colorado. Suppose there are three candidates at the election. The republican candidate gets 177 undisputed votes; and the independent candidate 24 undisputed votes, which he could do by getting Illinois and Nevada and Nebraska. Suppose the democratic candidate gets 160 undisputed votes, leaving 8 votes, the votes of Louisiana, to determine whether the republican candidate was elected or not. Suppose that in Louisiana there is a contested election of great violence. The independent candidate is supposed by one party to be elected; the republican candidate is supposed by the other party to be elected. The republican electors get a certificate from Governor Kellogg of their election, cast their vote for the republican candidate, and that return comes to the President of the Senate. Suppose the electors on the independent ticket meet as a college, cast their votes for the independent candidate, certify under the Constitution, if there is no provision for the executive authentication of their election, that they have voted for the independent candidate. Those returns are opened by the President of the Senate. The House honestly believe that the independent electors were elected in Louisiana. The republicans in the Senate believe that the republican candidates were elected. They separate. The House stands by the independent organization, the Senate stands by the republican election, thus defeating the election of President and throwing it into the House of Representatives under the second section of the bill.

Mr. MORTON. I think the precise contingency mentioned by the Senator from Maryland may happen either by the vote of a State being lost, the two Houses not being able to decide, or by being cast in favor of an independent candidate; but that is the precise contingency which the Constitution has provided for when it declares that unless some one person shall have a majority of all the electors appointed the House shall immediately proceed to elect by States. How does that change the principle? The Constitution has provided for the action of the House by States only in one case. Shall we extend that principle? The Constitution does not provide for the House ever deciding any legislative or judicial question by States, but simply an election in certain cases; and in my opinion it is the most dangerous contrivance ever put into the Constitution. Would you extend that principle to the mere decision of a question on the electoral vote when that may decide the question of an election?

The first election of President by the House took place in 1801, the House voting by States. The delegation from two States was divided from the 10th of February to the 17th, from the first to the thirty-sixth ballot, Vermont and Maryland. The dead-lock was finally broken by an intrigue, one member from Vermont dodging the vote, going out of the House, and two members from Maryland casting blank ballots. The history of that election, given by the distinguished member from Delaware, Mr. Bayard, two years afterward, shows that it was thoroughly corrupt in the sense in which that word is used in these times; that that election was controlled by appointments of members of the House of Representatives to office. More, there is an affidavit on file—I have it here, but I will not stop to read it—which shows that the vote of another State, on the last day when the election of Jefferson was finally made, was controlled by an agreement that the collectors of the district of Delaware and of the port of Philadelphia should not be removed by Mr. Jefferson. That election came near making shipwreck of the Government at that time. What followed in 1825, when Mr. Adams was elected? The same charge of corruption existed, a charge from which the great Clay never escaped, because he voted for Adams in the House, and was afterward appointed Secretary of State. How did that election result? Mr. Adams was elected, who received less than one-third of the popular vote of the United States; and General Jackson was defeated, who received the largest popular majority that any President ever has done up to this hour. The will of the people was overridden in 1825, and this form of election presents the opportunity and the power of doing that always. It presents the greatest possible inducement and the greatest possible opportunity for corrup-

tion. God grant we shall never have to pass through the ordeal of another election of President by the House of Representatives.

I want to make a remark in regard to the amendment of my distinguished friend from Rhode Island, [Mr. BURNESIDE;] and what I shall say will touch the whole question of furnishing an umpire either by the Supreme Court or by the House of Representatives or in any other form. The amendment proposed by the Senator from Rhode Island is this: that as soon as the electoral certificates are sent to the President of the Senate, before the time comes for counting the vote, they shall be sent to the Chief Justice of the Supreme Court or to the court.

Mr. BURNESIDE. If the Senator from Indiana will allow me, it does not provide that they shall be sent to the Supreme Court, but the fact is to be reported to the Supreme Court.

Mr. MORTON. I give the substance, the idea of the amendment, that when the certificates are made up by the electoral colleges they shall indorse on the outside of the envelope, so that it can be read, (because the envelopes cannot be opened under the Constitution until you come to count the vote,) the names of the electors, by whom certified, and when elected, so that the Supreme Court shall be able to determine by an inspection of the outside of the envelope whether or not these electors were chosen under the recognized State government and have been certified by the recognized authority of the State. I submit to my friend, and I will read a very brief extract from the opinion of the Supreme Court to show it, that that transfers to the Supreme Court of the United States one of the great powers expressly reposed in Congress under the Constitution. The United States shall guarantee to each State a republican form of government, and to decide which is the government of a State, and whether it is republican in its form, is a power expressly devolved upon Congress, and cannot be transferred or deputed except for a single purpose, and that is to enable the President to determine what government he will sustain in a case of insurrection or domestic violence. In the case of *Luther vs. Borden*, a case familiar to you all, the court say:

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State; for, as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.

In the case supposed, where there are two sets of electors certified from two different pretended State governments, to decide which electors have a right to vote you must decide which is the government, and the decision of that question, which controls all others that may arise on it, is expressly vested in Congress under the Constitution. We cannot transfer it to the Supreme Court in advance. We cannot transfer it to any other power, except for the single and sole purpose of carrying out another provision, and that is to enable the President to protect the State against invasion or domestic violence, where it may be necessary, under the act of 1795, for the President to determine, when Congress is not in session, which is the lawful government of the State, as he undertook to do in the case of Louisiana.

Mr. BURNESIDE. I will ask the Senator from Indiana if there can be no case before the Supreme Court by appeal which would require them to decide which is the lawful State government? Could there not be a case by appeal from a lower court by which the Supreme Court would be called upon to decide which was the State government?

I want to ask the Senator from Delaware [Mr. BAYARD] one question. He says that in settling this question we should adhere to the rule established by the framers of the Constitution and allow the same method to be used in determining which are the correct returns as is used to elect the President when no one of the candidates has a majority. I submit to him and I submit to the Senate that in case no one candidate receives a majority every State has a right to vote as a State according to its political proclivities. It becomes a political question. They are bound to adhere to their separate political parties, in honor bound to vote for the men who represent their party, no matter whether they have received the highest number of votes or not. The question under discussion should not be decided politically; but if you leave it to be decided in the same way that you elect a President, in case neither candidate receives a majority it will be decided in a partisan spirit; whereas by the method I propose it will be decided upon its legal merits.

I submit that no party ties are so loose as to allow a member to vote just exactly as a judge on the bench of the Supreme Court would vote on a question of this kind. It is quite clear in my own mind that the proposition made by the Senator from Delaware, which he intended to make in all fairness, is not fair.

Mr. MORTON. It would perhaps be very desirable to have the solution of every question submitted to some tribunal entirely outside of political influences; and yet it so happens that the Supreme Court have said in this very case that the decision of the question as to which is the lawful State government in a State is a political question to be decided by Congress, and when decided by Congress that the Supreme Court of the United States and every other branch of the Government must abide by that decision. The power to settle that question has by the Constitution been placed in Congress, and I am trying to argue that we cannot take it out of Congress and lodge it anywhere else.



I come now to the other question asked by my friend, whether under certain circumstances the Supreme Court could not decide which was the lawful government of a State. So they can and did in the Rhode Island case. In that very case they recognized the doctrine that Congress is the power to settle the legal status of a State government, a political question, by which the courts are all bound; but in the absence of a decision by Congress, in that very case they said, as I have had occasion to argue in another matter before this body, that the supreme court of Rhode Island not being in question, its legitimacy not being questioned, the courts of the United States would follow the decision of the supreme court of the State of Rhode Island in determining which was the lawful government of that State. If the supreme court of Rhode Island had said that the charter government was the lawful government and not the Dorr government, the Supreme Court said it was bound to follow and to recognize the charter government as being the lawful government of Rhode Island. In that case the Supreme Court did decide it; but as a question coming up not from the decision of the lower court by appeal, as a political question to be decided as to which is the lawful government so as to know which government may certify to the electoral vote, that is a power that has been lodged in Congress, and it cannot be divested. We cannot commit it to anybody else.

I agree with my friend that if we could create an umpire, if it was in our power to refer the decision of this question to any other tribunal, I would prefer the Supreme Court of the United States. I believe the people would have more regard for its decision, that it would carry more authority, than any special tribunal we could create. Therefore I should prefer to refer it to that arbitrament if it were possible; but not regarding that as being within our power, I vote against the creation of any umpire. The least acceptable of all would be to refer it to the House and have it decided by a vote by States.

I wish here to call the attention of the Senate to a fact which I have overlooked in the previous examination of this question, and that is, that so long ago as 1837 the Congress of the United States virtually assumed the jurisdiction to count the vote of a State in a case where the right of the State to vote at all was denied. I refer to the case of the State of Michigan. In that election there was a question as to whether the vote of the State of Michigan should be counted on account of a condition attached to her constitution. I am not entirely familiar with the details of the question, but the following joint resolution was adopted by the two Houses, showing that at that time the two Houses of Congress assumed the power to determine whether the vote should be counted in that case. The resolution was adopted by a vote of 34 to 9 in the Senate, and reads as follows:

That, in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: Were the votes of Michigan to be counted, the result would be, for A B for President of the United States, — votes; if not counted, for A B for President of the United States, — votes; but in either event A B is elected President of the United States; and in the same manner for Vice-President.

That was followed by the two Houses of Congress as late as 1869 in a joint resolution in reference to counting the vote of Georgia. The language of the two resolutions is identical. Evidently that offered by the Senator from Vermont [Mr. EDMUNDS] in 1869 was copied from that in regard to Michigan in 1837.

Mr. WHYTE: I would suggest to the Senator from Indiana that it is copied from Mr. Clay's resolution of 1821 in regard to Missouri.

Mr. MORTON. I simply refer to it briefly for the purpose of showing that Congress assumed substantially the power over these contested votes long ago, and that seems to have been the better judgment of members of the two Houses at different periods of our history.

Mr. MAXEY. I should like to ask the Senator from Indiana a question, as he has the floor, and I desire his opinion upon it. The amendment of the Senator from Rhode Island in substance is that where two certificates come up from the same State, purporting to be the certificate of the electoral vote cast by that State, those returns are to be turned over or transferred by the President of the Senate to the Chief Justice of the Supreme Court—

Who shall at once cause the said Supreme Court to proceed to examine as to who are the legal electors of said State, and shall have power to send for persons and papers; and the said Chief Justice shall, on or before the last Tuesday of January next succeeding the meeting of the electors of President and Vice-President, report to the President of the Senate which of the said electors were legally elected.

The Constitution declares that:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

What I desire to have the Senator's opinion upon is this: Is it constitutional or legal for the President of the Senate to transfer to the Supreme Court or anybody else these certificates unopened? Second, if he has to open them, does not the Constitution require that "the votes shall then be counted?" Then where does the opportunity come in for the action of the Supreme Court as contemplated by this amendment? That is a question I cannot understand myself, and I should like to have the Senator's opinion upon it.

Mr. MORTON. The Senator from Texas I think is quite right in his suggestion. If I understand it, his suggestion is that the President of the Senate is the custodian, and the sole custodian, of these certificates from the time they come to his hands; that he cannot transfer the custody of them to anybody; that he is responsible for

them, and if they shall be lost he is to be held responsible. In the next place, clearly he cannot open them until he does it in the presence of the two Houses. Not until that moment is anybody entitled to know what the contents of these envelopes may be.

Mr. MAXEY. And then the votes must be counted.

Mr. MORTON. And then and there the votes must be counted. These provisions grew out of the theory of the electoral college, that it was to be composed of a body of independent men, acting entirely independent of pledges, of all outside influences, who should come together, and without each other's knowledge vote by ballot, so that one should not know how the other voted; and then that they should seal these votes up and they should be kept a secret until the very moment they were to be counted. We have seen how the whole theory failed, but still this is the provision of the Constitution of the United States.

One word in regard to the bill and I am done. In regard to the first section of the bill there seems to be little or no controversy. That is, that there shall be no electoral vote rejected except by a concurrent vote of both Houses. There seems to be little difference of opinion about that, and that is the most material provision. Nearly all the questions will arise under the first section of the bill. It may not occur for fifty years again that we shall have two sets of electoral votes from the same State. It may occur next fall, but the chances are small of such an event. If it should occur, it is not very likely that the two Houses of Congress, acting under the pressure of high and solemn considerations of duty, would not be able to agree as to which return should be counted; so that that contingency in regard to which all this debate has sprung up is very remote indeed. There seems to be a desire to get some tribunal which shall decide the question, and the introduction of the House, voting by States, is suggested, the one way of all others which is the most liable to have a deadlock; for if there should be an even number of States upon each side, or if the delegation from the States should be divided, as occurred in two States in the very first election even, then there is no decision. So that you can hardly imagine a tribunal that might be created, even if we had the power, where this contingency would not happen; but if the second section of the bill were stricken out altogether the first is of inestimable importance. If there be a contingency in the second section that is not quite provided for, still it does not take away the importance of passing the first section, or the second section either, because that contingency is exceedingly remote. We can understand in view of what took place three years ago last month the necessity of providing some method for counting these votes. We cannot as common lovers of our country and patriots, sworn to stand by this Government, pass over the duty of providing against such dangers as lie right at the door.

Therefore I trust, Mr. President, that this bill will not be defeated because of a remote possibility. I trust we will consider the main subject and the principal dangers that are covered by this bill, and I hope it will pass. As I said before, any plan is better than none almost. After hearing all that has been said upon both sides, and I must say this debate has been conducted with great candor and I think with great ability and fairness, I am not now able to see where the bill can be improved.

Mr. FRELINGHUYSEN. I would call the attention of the Senator from Indiana to the second section. It provides that that return from such State shall be counted "which the two Houses acting separately shall decide to be the true and valid return." The question has been suggested to me as to what is to happen in case the two Houses acting separately do not agree as to which return is the valid return.

Mr. MORTON. I suppose there would be no vote counted in that case.

Mr. FRELINGHUYSEN. Ought it not to say so? It might be insisted by those who hold that the Constitution imposes the duty of counting the vote on the Vice-President that he was to count it. At all events, I think it ought not to be left in doubt, but the words ought to be added at the end of that sentence:

And if the two Houses do not agree as to which is the true and valid return, then no vote shall be counted from that State.

Mr. MORTON. The Senator would arrive at the same thing by inserting the word "only" after the word "return;" "that return only from such State shall be counted."

Mr. FRELINGHUYSEN. I do not see that you can put it in fewer words. I am sorry to see this bill not in a better shape than it is. I have no doubt when the Constitution imposes a duty upon Congress, and says we shall count the vote, that we have the constitutional right by legislation to do everything that is necessary to the safe counting of that vote. We have a perfect right by legislation to carry it out by creating a tribunal, and doing everything that it is necessary to do in order to secure a safe and complete count. The Constitution says so. The Constitution says we have got the right to pass all laws that are necessary to carry out the powers conferred by the Constitution.

As to the plan of referring the question to the House of Representatives, that House voting by States, it does seem to me that that is contrary to the Constitution. There is one point where I differ from the Senator from Delaware. It seems to me the Constitution precludes us from adopting the plan he proposes because the Constitution has spoken. It has told us in what exigencies the election shall be determined by the House voting by States, and the expression of

the case in which that is to be resorted to is the exclusion of all intendment that the House in any other emergency might decide upon the vote.

Mr. BAYARD called for the yeas and nays on his amendment, and they were ordered.

Mr. SAULSBURY. Mr. President, I will vote for the amendment proposed by my colleague, though I would have preferred to have the amendment adopted as it was offered originally by the Senator from Tennessee, [Mr. COOPER.]

The bill of the Senator from Indiana does provide expressly for the rejection of the vote of a State. I am unwilling to vote for a measure which provides that the vote of any State of this Union shall be rejected, because I believe it is within the power of Congress to provide some fair and proper mode by which the vote of every State in this Union may be counted in the election of President. The amendment offered by my colleague is one mode, and perhaps the fairest mode that we can now hope to obtain for reaching that result. I shall therefore support the amendment, and hope that it may be adopted.

I have listened to this whole debate, I am free to say, with unusual interest, because the questions presented by the bill and the amendments are, as I conceive, of vital importance. If I understood the Senator from Maryland [Mr. WHYTE] aright, and also the Senator from Kentucky, [Mr. STEVENSON,] they believe that there is an omission in the Constitution, and that the defect can only be remedied by a constitutional amendment. With that view I do not concur; but I think that if there is any defect, the power is granted to Congress by express provision to make all laws necessary to carry out the grants of power contained in the Constitution; and that the power to count the votes having been expressly given, Congress may determine the mode by which the votes shall be counted.

This is not a new question. It has been here before. The Congress of the United States as far back as 1800 considered this subject. I do not believe the discussion that occurred in the year 1800 upon this very question has been referred to in this debate, and perhaps it may not be amiss to call the attention of the Senate to that debate. The Senator from Maryland favored the idea that the President of the Senate was to count the votes. So far back as 1800 this question was brought to the attention of Congress, and was discussed in Congress, and I propose to show what the view of Congress, or at least a number of the members of Congress, at that time was upon the question of the power of Congress to deal with this subject. On January 23, 1800, on the motion of Mr. Ross, the Senate—

*Resolved*, That a committee be appointed to consider whether any, and what, provisions ought to be made by law for deciding disputed elections of President and Vice-President of the United States, and for determining the legality or illegality of the votes given for those officers in the different States.

On the next day it was

*Ordered*, That Messrs. Ross, Laurance, Dexter, Pinckney, and Livermore be the committee.

And that committee reported a bill the provisions of which in full I have not been able to ascertain. On February 14—

Mr. Ross, from the committee appointed the 28th of January last, reported a bill prescribing the mode of deciding disputed elections of President and Vice-President of the United States; which was read and ordered to the second reading.

Some of the provisions of that bill I have been able to find, but not the whole of it in detail. The bill took up the whole subject. Some of the provisions of the bill provided for the appointment of what was called a grand committee selected out of the two Houses of Congress to meet in secret session, there to examine all the votes cast for President and all the petitions and reports that were made from the several States in connection with those votes, and to determine upon the legality of the votes thus cast.

Mr. MERRIMON. Where did it lodge the power?

Mr. SAULSBURY. It lodged it in the two Houses of Congress, so far as I have been able to gather from such provisions of the bill as I have been able to find in this book. On March 3—

The Senate resumed the consideration of the amendment proposed to the first section of the bill prescribing the mode of deciding disputed elections of President and Vice-President of the United States.

I will read what was the substance of the provisions of the bill from a speech made by Mr. Pinckney, of South Carolina, who opposed the bill and spoke against it. In the course of his speech he said:

What is the mode proposed by this bill? That the Senate and House of Representatives of the United States shall each of them elect six members, who, with a chairman, be appointed by the latter from a nomination of the former, would form a grand committee, who should, sitting with closed doors, have a right to examine all the votes given by the electors in the several States for President and Vice-President, and all the memorials and petitions respecting them, and have power finally to decide respecting them, and to declare what votes of different States shall be rejected and what admitted, and, in short, that this committee thus chosen, and sitting with closed doors, shall possess complete, uncontrollable, and irrevocable power to decree, without appeal from their decision, who has been returned, and who shall be proclaimed President of the United States.

That is the synopsis of the bill reported by the committee, contained in a speech of Mr. Pinckney, of South Carolina. That bill was considered at various times during the session and various amendments were offered. One amendment I will read:

The bill prescribing the mode of deciding disputed elections of President and Vice-President of the United States was read the third time.  
On motion to strike out the ten first sections and insert—

I will read now what was proposed to be inserted as showing what the opinion of members of Congress at that time was as to the power

of Congress to deal with the question of counting, determining, and passing upon the votes of electors. The amendment is as follows:

Whereas, on an election of President and Vice-President of the United States, questions may arise whether an elector has been appointed in a mode authorized by the Legislature of his State or not; whether the time at which he was chosen and the day he gave his vote were those determined by Congress; whether he was not at the time a Senator or Representative of the United States, or held an office of trust or profit under the United States; whether one at least of the persons he has voted for is an inhabitant of a State other than his own; whether the electors voted by ballot, and have signed, certified, and transmitted to the President of the Senate a list of all the persons voted for, and the number of votes for each; whether the persons voted for are natural-born citizens, or were citizens of the United States at the time of the adoption of the Constitution, were thirty-five years old, and had been fourteen years resident within the United States; and the Constitution of the United States having directed that "the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and that the votes shall then be counted," from which the reasonable inference and practice has been that they are to be counted by the members composing the said Houses, and brought there for that office, no other being assigned them; and inferred the more reasonably, as thereby the constitutional weight of each State in the election of those high officers is exactly preserved in the tribunal which is to judge of its validity, the number of Senators and Representatives from each State composing the said tribunal being exactly that of the electors of the same State.

And then follows the amendment in the form of a section to carry out the objects proposed in the preamble. I will read the section:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whensoever the members of the Senate and House of Representatives shall be assembled for the purpose of having the certificates of the electors of the several States opened and counted, the names of the several States shall be written on different and similar tickets of paper and put into a ballot-box, out of which one shall be drawn at a time; and so soon as one is drawn the packet containing the certificates of that State shall be opened by the President of the Senate, and shall then be read, and then shall be read also the petitions, depositions, and other papers and documents concerning the same; and, if no exception is taken thereto, the votes contained in such certificates shall be counted; but if the votes, or any of them, shall be objected to, the members present shall, on the question propounded by the President of the Senate, decide, without debate, by yeas or nays, whether such vote or votes are constitutional or not; and the votes of one State being thus counted, another ticket shall be drawn from the ballot-box, and the certificate and the votes of the electors of the State drawn shall be proceeded on as before directed; and so on, one after another, until the whole of the votes shall be counted; and if the counting cannot be completed in one day, the members of the said two Houses may adjourn from day to day until it be completed.

A division of the question was called for, and that it first be taken on striking out.  
A motion was made to strike out of section 1, lines 10 and 11, these words: "and finally to decide" and to insert "into and report upon;" and a division of the motion was called for, and that the question be first taken on striking out; which passed in the negative—yeas 11, nays 18.

After several amendments were considered the bill was finally discussed at length by Mr. Pinckney, of South Carolina. He opposed the bill, but he seemed to admit in his argument the right of Congress to count the vote.

Knowing that it was the intention of the Constitution to make the President completely independent of the Federal Legislature, I well remember it was the object, as it is at present, not only the spirit but the letter of that instrument, to give to Congress no interference in or control over the election of a President. It is made their duty to count over the votes in a convention of both Houses—

That favors the idea of the Senator from Connecticut, [Mr. EATON]—and for the President of the Senate to declare who has the majority of the votes of the electors so transmitted.

While he opposed the general provisions of the bill he went to the extent of passing upon the qualifications of the electors, taking it entirely away from the State; and he seemed in his argument to admit the power of Congress to determine the question of the votes. In that debate one of the questions that arose was that which has arisen in this debate, what is to be done with double returns? Mr. Pinckney took up that question, and after reading his speech I undertake to say that he did not deal with it with that frankness which his eminent character justifies us in supposing he ought to have dealt with it. He seemed to evade the question, did not meet it, but he seemed to meet it as my friend from Connecticut met it this morning by expressing his confidence in Congress and his confidence in every public man in the country. He could not anticipate that there would be any difficulty; he could not in the first place anticipate that such returns would be made. He had then the unbounded confidence that is exhibited by the Senator from Connecticut to-day. And yet our history proves that Mr. Pinckney was mistaken just as I fear the subsequent history of the country will prove that the Senator from Connecticut is mistaken when he expresses such unbounded confidence, not only in the Senate of the United States, but in every public man, the Vice-President, the Speaker of the House, and the members of this House and of the other. I share largely in the confidence which he has expressed in reference to humanity, but I have seen enough of life to know that our confidence is frequently misplaced, and I want to prepare against any contingency that may happen.

That bill came finally to a vote in the Senate of the United States after the exhaustive argument of Mr. Pinckney, and I wish to read the names of the Senators who voted upon that bill.

When Mr. P. had concluded, the question was taken on the passage of the bill, and it was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Bingham, Chipman, Dayton, Dexter, Foster, Goodhue, Greene, Hillhouse, Latimer, Lloyd, Paine, Read—

From my own State—

Ross, Schureman, Tracy, and Wells.

NAYS—Messrs. Anderson, Baldwin, Bloodworth, Brown, Cocke, Franklin, Langdon, Livermore, Marshall, Mason, Nicholas, and Pinckney.

The proceedings to which I have referred show that at that early day the power was claimed for Congress not only to deal with the question we are now discussing, but to deal with other questions,



questions which I do not believe we have the right to deal with. But the power of providing the mode of counting the electoral vote by legislation, especially where there is a seeming omission in the Constitution itself, was then fully recognized, and these proceedings clearly indicate it.

I would not attempt to confer upon one House or both Houses of Congress any power which is not expressly granted to them, for I am a strict constructionist of the Constitution. I believe that we have no right as a Congress to exercise any power which is not expressly given or which is not necessary to carry out the grants of power expressly given in the Constitution. I would not usurp any power whatever. I am as free from doing that as my honorable friend from Maryland or my honorable friend from Connecticut; but I do contend that the criticisms upon the position of my friend from Ohio are not warranted by the precedents that have been referred to as conclusive upon the contemporaneous interpretation of the provisions of the Constitution in this behalf. I hold that the incident which I have cited shows that at an early day, when the men were living who took part in the formation of the Constitution, when they were members of the Congress of the United States, this power was claimed for Congress. Some of the gentlemen who participated in the formation of the Constitution were there and voted upon the question. I would not, I repeat, invade that Constitution. I believe that the true interests and the true destiny of this country require a strict adherence to the provisions of the Federal Constitution. I would not usurp the power by Congress, but I would carry out the provisions of the Constitution. I would count the vote as it is. There is a provision in the bill of the Senator from Indiana that in a certain contingency the vote of a State shall not be counted, and I am opposed to that bill without some amendment to secure to every State in this Union the right to have her electoral vote counted.

Mr. President, I conceive that this is an important question. It is one that ought not to be hastily passed upon, and I think the seven days which have been spent in the investigation and discussion of this subject have not been spent in vain. I hope that no hurried action will be taken, but that some action may be adopted in this House which will be concurred in by the other House, and that we may make proper provisions to remedy the evil which is seen and acknowledged by all.

I have said much more on this question than I designed to say at the present time.

Mr. BURNSIDE. Mr. President, I desire to make but a single remark, and that is, that the Supreme Court of the United States substantially decided in the Rhode Island case, to which the Senator from Indiana referred, that it was in the power of Congress to call upon the courts to decide which of the representatives of the State governments was in accord with the Government of the United States. I am indebted for this suggestion to the honorable Senator from Florida, [Mr. JONES.]

If Congress has the right to call on the Supreme Court of the United States for a decision upon that point, it has the right to do it in this case. Some of the most distinguished Senators have said that this amendment presented the most desirable way to settle the difficulty, if it could be done constitutionally; and here, it seems to me, we have this point settled by the Supreme Court of the United States, unless I misconstrue the substance of that decision.

Mr. JONES, of Florida. Mr. President, it is perhaps necessary for me to say a word in regard to my view of what the court did decide in the case of Luther vs. Borden. It did say, and the opinion will bear me out, that it was competent for Congress to designate a court that should have the power to say which of two rival powers in a State should be recognized as the legitimate power, with a view of obtaining the assistance contemplated by the Constitution to be extended by the Union. That was decided, beyond all doubt.

Mr. MERRIMON. Have you the decision before you?

Mr. JONES, of Florida. I have not. The court said that Congress had delegated the authority to the President by the act of 1795, and that it had done so wisely; but that it was equally competent for Congress to delegate the same authority to a court for a like purpose, and to withdraw it from the President.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD,] upon which the yeas and nays have been ordered. The amendment is to modify the second section before the question is taken on the amendment of the Senator from Rhode Island [Mr. BURNSIDE] to strike it out and insert a substitute. The Chair understands that this is the same amendment originally offered by the Senator from Tennessee, [Mr. COOPER.]

The question being taken by yeas and nays, resulted—yeas 18, nays 34; as follows:

YEAS—Messrs. Bayard, Boggs, Caperton, Cooper, Davis, Goldthwaite, Johnston, Kelly, Key, McCreery, McDonald, Maxey, Randolph, Ransom, Saulsbury, Thurman, Wallace, and Withers—18.

NAYS—Messrs. Allison, Anthony, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christianity, Conkling, Dawes, Dennis, Dorsey, Eaton, Edmunds, English, Ferry, Frelinghuysen, Hamilton, Hamlin, Howe, Jones of Nevada, Logan, McMillan, Merrimon, Mitchell, Morrill of Maine, Morton, Oglesby, Paddock, Patterson, Sargent, Sherman, Whyte, Windom, and Wright—34.

ABSENT—Messrs. Alcorn, Boutwell, Bruce, Clayton, Cockrell, Conover, Cragin, Gordon, Harvey, Hitchcock, Ingalls, Jones of Florida, Kernan, Morrill of Vermont, Norwood, Robertson, Sharon, Spencer, Stevenson, Wadleigh, and West—21.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amend-

ment proposed by the Senator from Rhode Island, [Mr. BURNSIDE.]

The amendment was rejected.

Mr. WRIGHT. I suggest an amendment to come in the second section—and I call the attention of the Senator from Indiana to it—in order to make that clear which by possibility is not so clear as it stands now. As it reads now it is:

And that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

I propose to insert after the word "return" in line 7 the words "and that return only."

Mr. MORTON. That is what it is intended to mean, but I have no objection to the word "only" going in.

The PRESIDENT *pro tempore*. Is there objection?

Mr. JOHNSTON and others. Let it be reported.

The CHIEF CLERK. In the seventh line of the section, after the word "return," it is proposed to insert "and that only;" so as to read:

That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes, and that return, and that only, from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

Mr. MORTON. I think the word "only" would be sufficient; but I have no objection to the words "and that only."

The amendment was agreed to.

Mr. WHYTE. I desire to offer an amendment merely to take the sense of the Senate. I move to strike out all after the word "certified," in the twenty-sixth line of the first section, down to section 4, and to insert in lieu of the matter stricken out the following:

The President of the Senate shall in the first instance decide without debate upon all such questions and announce his decisions thereon; and when he shall have counted all the votes he shall announce the result according to his decision. After the whole count has been so made and the result thereof announced, if it appears that the result will be changed by the reversal of decisions made by the President of the Senate, any member of either House may appeal from any such decision. Upon such appeal the vote shall be taken by States, the members of both Houses from each State severally giving one vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland, [Mr. WHYTE.]

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. STEVENSON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 26; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christianity, Dawes, Dorsey, Ferry, Frelinghuysen, Hamilton, Hamlin, Hitchcock, Ingalls, Jones of Nevada, Key, Logan, McMillan, Merrimon, Mitchell, Morrill of Maine, Morton, Oglesby, Paddock, Patterson, Sargent, Sherman, Spencer, Thurman, Windom, and Wright—32.

NAYS—Messrs. Bayard, Boggs, Caperton, Cockrell, Conkling, Cooper, Davis, Dennis, Eaton, Edmunds, English, Goldthwaite, Howe, Johnston, Jones of Florida, Kelly, McCreery, McDonald, Maxey, Randolph, Ransom, Saulsbury, Stevenson, Wallace, Whyte, and Withers—26.

ABSENT—Messrs. Alcorn, Boutwell, Bruce, Clayton, Conover, Cragin, Gordon, Harvey, Kernan, Morrill of Vermont, Norwood, Robertson, Sharon, Wadleigh, and West—15.

So the bill was passed.

#### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 192) authorizing the sale of certain lands in Vincennes, Indiana—to the Committee on Private Land Claims.

A bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory—to the Committee on Military Affairs.

A bill (H. R. No. 1816) to repeal section 1218 of the Revised Statutes of the United States—to the Committee on the Revision of the Laws of the United States.

A bill (H. R. No. 1297) prohibiting the cutting of timber on any Indian reservation or lands to which the Indian title or right of occupancy has not been extinguished, and for other purposes—to the Committee on Indian Affairs.

A bill (H. R. No. 2121) to authorize commissioned officers of the Army to make deposits under the act of May 15, 1872—to the Committee on Military Affairs.

A bill (H. R. No. 2821) to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876—to the Committee on Appropriations.

#### MILITARY ARRESTS IN ALASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was ordered to lie on the table and be printed:

To the Senate of the United States:

In further answer to the resolution of the Senate of the 7th of January last, requesting to be furnished "with a statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial," I have the honor to transmit herewith the report of the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, March 24, 1876.

## CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SARGENT. I move that the Senate proceed to the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The motion was agreed to.

Mr. SARGENT. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

## COUNTING OF ELECTORAL VOTES.

Mr. THURMAN. Before the doors are actually closed, I move a reconsideration of the vote just taken on the passage of Senate bill No. 1 relative to counting the electoral votes; and I wish to say a word. The vote on the bill strikes me with some surprise. What there is that gives any advantage to one party over another in it is past my comprehension. I do not see it in the bill, but there is an objection that has weighed no doubt with many who voted against the bill, and that is that it leaves a case unprovided for, a case where there are two returns from a State. It does not arrive at an ultimate decision, or at least it may not, on that question. I am strongly impressed with the belief that unless the Senate can become more harmonious than it is on this bill, we have no chance to get a law on the subject at this session. Therefore I, for one, am anxious to make one more effort in this body, where such a thing as debate is allowed, where a calm consideration of a great question can take place, to have this matter further considered.

Mr. MORTON. Do you propose to have it considered to-night?

Mr. THURMAN. No; but I ask that the motion to reconsider may be entered in order that it may be further considered.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

## EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at five o'clock and three minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 24, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

## ABSTINENCE BY OFFICE-HOLDERS.

Mr. HOLMAN. I hold in my hand a memorial which I have received from the Women's Temperance League of Winchester, Indiana, signed by 1,104 citizens of that State, mostly ladies, asking congressional legislation to promote temperance in the service of the United States. I ask unanimous consent that the memorial may be printed in the RECORD—it is very brief—and referred to the Committee of Ways and Means, which has the subject under consideration.

Mr. KELLEY. The memorial, not the names?

Mr. MOLMAN. Yes. The memorial only I wish printed in the RECORD.

There was no objection, and the memorial was referred to the Committee of Ways and Means, and ordered to be printed. It is as follows:

*To the Senate and House of Representatives of the United States:*

The undersigned, members of the Women's Temperance League of Winchester, Indiana, and citizens of Randolph County, do most earnestly and respectfully, in consequence of the great and growing evil of intemperance, spreading as it does crime, pauperism, ignorance, and other miseries through all grades of our American society, petition your honorable body to so amend the oath required of all the officers in the service of the United States as to require them to abstain from the use of intoxicating drinks as a beverage during their term of office. This we ask because of the representative character of the persons whom the people have placed in such official position, and because of the salutary and beneficial influence such requirements and consequent conduct would exert upon all the young men of the nation, and also believing that such amendment to the oath of office, with the penalty of removal for its violation, would annually save millions of dollars for the Government.

We therefore most earnestly entreat you to grant our request by laying down such rules of sobriety for the government of those whom the people have placed over them as will secure our request.

## TRANSFER OF THE PENSION BUREAU.

Mr. RUSK. I ask unanimous consent to present the views of the minority of the Committee on Invalid Pensions in relation to House bill No. 2590, providing for the transfer of the Pension Bureau to the War Department, and move that they be printed, so that they may be in possession of the House.

There was no objection, and it was so ordered.

## POSTAL CARDS.

Mr. BLOUNT. I am instructed by the Committee on Appropriations to report a bill to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876, and ask that it may now be put upon its passage.

The bill (H. R. No. 2321) was received and read a first and second time.

The bill appropriates the sum of \$62,300, out of any money in the

Treasury not otherwise appropriated, to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876.

Mr. BLOUNT. As the House will have understood from having heard the bill read, there is a deficiency of some \$62,000 for the printing of postal cards. There has been an unusual demand upon the Department for them, and the supply is nearly exhausted. It will be exhausted about the 1st of April. The committee have thought it proper that the demand of the public for these cards should be met. The bill involves no expense except the cost of the paper, printing, packing, and delivery for distribution, which is about \$1.39 a thousand; whereas the revenues are \$10 a thousand, and they are really a source of revenue to the Government. Unless the bill is passed immediately, the manufacture will have to be stopped on the 1st day of April.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## EMPLOYMENT AND FEES OF UNITED STATES ATTORNEYS.

Mr. DURHAM. I ask unanimous consent to present, from the Committee on Expenditures in the Department of Justice, a report in relation to the employment of and fees paid United States attorneys and special attorneys in cases where the United States are a party, accompanied by a bill repealing section 363 of the Revised Statutes of the United States and substituting another section in lieu thereof. I desire to have the bill and the report with the exhibit marked "A" printed and recommitment.

There was no objection, and the bill (H. R. No. 2822) was read a first and second time, and, with the accompanying report and exhibit marked "A," ordered to be printed, and recommitment to the Committee on Expenditures in the Department of Justice.

## GOVERNMENT FOR THE INDIAN TERRITORY.

Mr. WILSHIRE. I ask unanimous consent to report from the Committee on Indian Affairs a substitute for House bill No. 1923, to provide a government for the Indian Territory, and ask that, with the accompanying report, it may be printed and recommitment.

The substitute, a bill (H. R. No. 2823) to provide a government for the Indian Territory, was received and read a first and second time.

The SPEAKER. If there be no objection, the bill and accompanying report will be printed and recommitment to the Committee on Indian Affairs.

Mr. SOUTHWARD. I desire to move that the bill be referred to the Committee on the Territories. I make this motion for this reason: The bill relates to the organization of a territorial government, and that is a matter which falls within the exclusive jurisdiction of the Committee on the Territories. On the 12th day of January a bill was introduced into the House for the organization of a government for the Indian Territory, and was referred to the Committee on the Territories. Since that time the committee have been considering that bill, and will be ready to report upon it at an early day. This bill covers precisely the same question, and it is manifestly inconsistent with the rules and the practice of the House that two committees should be considering identically the same subject at the same time. And I say further, so far as my knowledge extends and so far as I have been able to learn, there never has been a question of an organization of a Territory since the establishment of the Committee on the Territories that has not been in the exclusive control and jurisdiction of that committee. I therefore make this motion, that the bill be referred to the Committee on the Territories.

Mr. WILSHIRE. I hope the motion of the gentleman from Ohio [Mr. SOUTHWARD] will not prevail. There is a difference between the organization of Territories hitherto and this particular case. The Territory proposed to be organized by this substitute is owned almost entirely by Indians. The soil is theirs in fee simple by treaty stipulations. A peculiar case is therefore here presented, and I think most certainly is within the jurisdiction of a committee of this House which is specially charged with the consideration of Indian matters; and I cannot conceive of any principle upon which the gentleman from Ohio can claim to have the bill referred to the Committee on the Territories.

Mr. SCALES. The Committee on Indian Affairs have had this matter under consideration, and after consideration determined that they had the jurisdiction of it. I suppose the same action has also been taken by the Committee on the Territories. The object is simply to test the jurisdiction.

Now we think we have the jurisdiction because this pertains to a people who are not citizens of the United States. They have always been treated as a separate and independent people. We are free to admit that if this bill pertained to any other class of people or any citizens of the United States, then perhaps it would properly belong to the Committee on Territories. I think that would be in accordance with the practice of the House, although I do not know that it is in accordance with the rules. I read the rule in relation to the Committee on Territories:

It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.



There is no provision there for the organization of any Territory, but, as I said, I suppose under the custom of the House they have the right to act upon and report upon bills organizing Territories. But they have not that right upon any question touching the Indians. That belongs exclusively to the Committee on Indian Affairs, in my view. They have been turned over to the Committee on Indian Affairs. They are said to be the wards of the nation, and it is for the nation to do whatever is necessary for their interest and the interest of the Government. It seems to us that the question belongs to us; but if the House decides otherwise we are willing to give it up.

The chairman of the subcommittee was instructed to report the bill to the House, and ask that it be printed and recommitted to the committee. If it be the pleasure of the House to refer it to another committee, so be it.

Mr. SOUTHARD. The rule which the gentleman from North Carolina has just read provides that—

It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

Now, according to that rule, as I understand it, the Committee on the Territories has the exclusive and sole control of all matters relating to such means as are necessary to secure the rights and privileges of "residents and non-residents" in the Territories. Can it be pretended that these Indians are not "residents," and in addition to the Indians there are in this Territory a large number of American citizens, estimated at from fifteen to twenty thousand, whose rights are to be protected? It is not citizens of the United States that the committee is concerned about. Under the rules, the committee are "to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents." There is no place for the question of citizenship.

Now, sir, it seems to me that there can be no question about the jurisdiction in this case in view of the language of that rule.

There has been no Territory organized west of the Mississippi in which the Indians were not largely interested. Look at the case of Kansas, with her numerous reservations and the many questions growing out of the rights of Indians. That case was not referred to the Committee on Indian Affairs. I say that in the organization of all Territories the rights of the Indians are largely concerned.

This rule, if I understand its proper interpretation, is that the Committee on the Territories shall have the exclusive privilege of determining all questions which relate to the rights and privileges of all persons, resident and non-resident, who may be within the limits of the Territory proposed to be organized.

Now, this bill which it is proposed to recommit to the Committee on Indian Affairs covers the whole question. The two committees for some time past have been delayed in the consideration of this question because of the conflict of jurisdiction. It seems to me that the House ought to settle the question of jurisdiction, and that the Committee on the Territories have exclusive control of the matter under and by virtue of the rule. No such duties are prescribed for the Committee on Indian Affairs, but it is clearly prescribed that it shall be the duty of the Committee on the Territories, and it is so admitted by the gentleman from North Carolina, [Mr. SCALES,] to take jurisdiction of all questions relating to the organization of Territories where Indians are not interested.

Mr. GOODIN. I desire to ask the gentleman a question. I would like to know of the chairman of the Committee on the Territories whether any bill has been referred to that committee in relation to the organization of this Territory?

Mr. SOUTHARD. I will answer the gentleman. He asks if any bill has been referred to the Committee on the Territories in relation to this subject. Early in the session, on the 12th of January, a bill on this subject was introduced by Mr. FRANKLIN, of Missouri, and referred to this committee. The committee have considered the bill very carefully and very patiently, and will be ready to report on the measure in due time. The bill referred to the committee was for the purpose of organizing a territorial government over the Indian Territory. Subsequent to that time, and on the 9th day of March, a resolution was offered which I ask the Clerk to read.

The Clerk read as follows:

*Resolved*, That the Committee on Indian Affairs be requested to inquire into the expediency of opening the Indian Territory to settlement by white men, establishing a form of government adapted to the peculiar wants of that Territory, giving to its inhabitants the rights of citizenship and homestead, and dividing the remaining lands according to the rights and equities of parties entitled thereto, with leave to report by bill or otherwise.

Mr. SOUTHARD. That resolution was agreed to by the House for the reason that no objection was made to it, no member of the Committee on the Territories having observed its introduction. That brings the question precisely before the House as to which committee is entitled to jurisdiction in this case, and as I said before it is manifestly inconsistent with the rules of the House and the proper transaction of its business that two committees should be charged with considering precisely the same subject-matter at the same time.

The Committee on the Territories has long had this question under consideration at this session of Congress, by reason of the bill which was first introduced and referred to it. I would add further that in the history of this House there has been no instance of organizing a territorial form of government that has not come under the jurisdiction

of the Committee on the Territories since that committee was established; none to my knowledge, and I have made extensive inquiries. Therefore the Committee on the Territories is entitled to the support of this House upon the motion which I have made to refer this bill to that committee, the subject having already been considered by it in connection with the bill first referred to it.

Let the matter not be misunderstood. This bill relates to the rights and privileges of residents and non-residents in the Territory covered by it. The purpose and effect of this bill are not to better govern the Indians, but to prescribe a territorial form of government over that country, to authorize the appointment of a governor, secretary of the Territory, and the providing of a territorial legislature and the other machinery of a territorial government. It is a bill in all particulars similar to those which have prescribed forms of government for other Territories. Therefore I say there can be no doubt about the scope or effect of the bill, there can be no doubt about the jurisdiction of the Committee on the Territories, which committee has always had sole and exclusive jurisdiction over such matters.

Mr. PAGE. It seems to me, Mr. Speaker, that there can be no question as to the jurisdiction of the Committee on Indian Affairs in reference to this bill. The bill proposes to organize the Indian Territory under a territorial form of government. There are to-day five different tribes of civilized Indians within the territory proposed to be so organized, numbering from fifty thousand to fifty-five thousand, and there are very few white men in that territory, less than two thousand, I think. Now, if the Committee on Indian Affairs has any duties at all, if there is any bill which could be referred to that committee, it seems to me that this is one that should be so referred. The Committee on Indian Affairs has had this matter under consideration for the last two months, or at least for five or six weeks. We have heard all the representatives of the Indian tribes residing within this territory. They have presented arguments *pro* and *con*, some in favor of and some against the organization of a territory there, and they have done it with marked ability. This morning the committee listened for nearly three-quarters of an hour to an argument in favor of a territorial organization.

I say again that it seems to me that if there is any matter which should be referred to the Committee on Indian Affairs it should be the question of organizing the Indian Territory, a territory inhabited almost exclusively by these five tribes of Indians. I find nothing in the rules that gives the control of this matter to the Committee on the Territories. I say this, however, as a member of the Committee on Indian Affairs: I would not have objected to the Committee on the Territories taking the consideration of this bill had it been in relation to any other Territory excepting the Indian Territory. In a case of that kind I have no doubt it would be a matter purely within the jurisdiction of the Committee on the Territories. But as this is a bill for the purpose of organizing Indian territory exclusively, where there are 55,000 Indians, it seems to me that the Committee on Indian Affairs should have the sole charge of it.

Mr. CONGER. It seems to me that this is not the proper time to raise the question between the committees of the jurisdiction of this subject. This bill, with the accompanying report, comes from the Committee on Indian Affairs, who ask that it be printed and recommitted to them. This bill was referred by the House to the Committee on Indian Affairs; by that reference it belongs to that committee, this particular bill, on which they now make their report.

More than that, by the resolution read a few moments ago at the Clerk's desk, this House directed the Committee on Indian Affairs to examine into and report to the House upon this very subject. Now, whatever question may arise as to which committee shall finally report a bill for action to this House, it seems to me that courtesy requires that the House shall permit this committee to have its bill printed, to have its report printed, and that another committee shall not be allowed to stand by and take the report of the committee which has been carefully prepared, and as soon as prepared, have it transferred to them for their benefit.

I make these remarks in behalf of all the committees of this House who spend their time and give their labor to investigating the several subjects committed to them. They should be allowed the right to have their reports printed and recommitted to them—to the committee making the report, and not to another committee. When the question arises as to the jurisdiction of one of two committees to present a proper bill to the House for action, that subject can be then considered. But I do protest against taking from a committee, even before it has been printed, a bill referred to them and the report which they have made upon it, and transfer them to another committee, which, so far as that report is concerned, has done nothing at all in regard to it.

Mr. HOOKER. I desire to say simply a word upon the proposition presented to the consideration of this House by the motion of the gentleman from Ohio, [Mr. SOUTHARD.] It seems to me that this subject-matter necessarily and properly pertains to the Committee on Indian Affairs, for the reason that prime among the subjects and objects of that committee is the making provision for taking care of the interests of the Indians. If this was simply a proposition to organize an ordinary territorial government with a homogeneous American population resident in the territory, it would be very proper and right and seemly that the Committee on Territories should have exclusive jurisdiction of the subject.

But inasmuch as the question of governing the Indians by constructing a territorial form of government for them is a question *sui generis*, and not like that referred to by the gentleman from Ohio in regard to organizing a territory of homogeneous American population with a view to final admission as a State, I think there can be no question as to the jurisdiction of the Committee on Indian Affairs over this bill. It is very well known to the House that in this Indian Territory there are various tribes of Indians, differing in numbers, differing in the legislation which prevails in their respective councils, and differing in their right of representation in their local legislatures. It therefore presents a very peculiar question, and not one such as is ordinarily presented to the consideration of the House upon a proposition to organize a territorial government upon the showing that a certain territory possesses the requisite amount of population. The primary question is whether the government for the Indians should be a government like that to which we would subject an ordinary territory consisting of American citizens; and this is a very different question from that usually presented with reference to the organization of a territorial government.

This question has been elaborately considered by the Committee on Indian Affairs. A very large amount of proof has been taken *pro* and *con*. Quite a number of gentlemen distinguished for their fidelity to the Indians—many of them Indians themselves, some of the whole blood and some of the half-blood—have been before this committee and have expressed their opinions with reference to the question both orally and in writing. It is well known that a difference of opinion exists among prominent and intelligent men of the Indian tribes themselves and those who thoroughly understand their interests as to the policy of organizing the Indians into a territorial form of government. Some conceive that the Indians have arrived at such a point of intelligence with reference to their own affairs and their own interests and the protection of their own rights as to fit them to be organized under a territorial form of government, looking finally to their admission into the Union. But it must be remembered that there are five nations of civilized tribes in this territory, while there are others who cannot probably be so classed. All these interests being involved, the question as to their representation in a territorial government is a subject which properly pertains to the Committee on Indian Affairs.

In answer to the remark of my friend from Ohio, [Mr. SOUTHARD,] that the rules of the House give authority over this subject to the Committee on Territories and that no rule gives it to the Committee on Indian Affairs, I may very properly say that the other day, when the Committee on Appropriations, presided over with so much ability by my friend from Pennsylvania, [Mr. RANDALL,] which seems to draw to itself almost every subject and topic of legislation that can be presented for the consideration of the House—when that committee reported the other day in the general appropriation bill a proposition to transfer the Indian Bureau from the Interior Department to the War Department, they were, in my humble judgment, treading upon the functions of the Committee on Indian Affairs, who, though their special duties have not been defined under the rules, have confided to their hands the great questions of the interests and management of the Indians and the proper mode of carrying out the faith of the Government as expressed in the treaties with the various Indian tribes. The Committee on Appropriations, I say, undertook to handle that question to the exclusion, in my judgment, of the committee to which it properly pertains.

And now, when a bill has been reported, when proof has been taken and presented to the House, and leave asked to print it and recommit it for further consideration of the committee who have already had the subject under examination, the proposition is made by a gentleman from the Committee on the Territories to take this subject from the consideration of the committee who have spent days and weeks and months in the investigation of the question with regard to the interests of these people, whom the plighted faith of the nation requires us to guard and protect quite as much as the favored "wards" who are so often referred to in this House as constituting the subjects of the nation's peculiar guardianship.

After this committee has considered this question laboriously for weeks and months, has reported to the House a bill with accompanying proof, and asked that it be printed and recommitted for further consideration, I do not think the House will consent to take this matter from the committee to which properly pertain the management and control of this question and transfer it to the Committee on Territories, whose functions are simply to present bills for the organization of Territories where the population is homogeneous, not where it is *sui generis*, as is the case with the Indians.

When the Indian Committee shall have passed upon this question, with all the proof it has taken and all the lights before it, it may conclude that a certain form of government ought to exist. But it cannot be supposed that an ordinary territorial form of government would be adapted to the condition, the wants, the necessities, and the respective rights of these various Indian tribes. Why? For the simple and obvious reason that, if in the Indian Territory you organize a territorial government in the ordinary form and manner, the control of that government will in a few years be possessed, necessarily in a large degree, by those who are not Indians. This, in my view, would be the effect of the organization of a territorial government in the ordinary form for the Indian Territory.

For these reasons I agree with my colleague on the committee in the

motion he has made to refer this question to the Committee on Indian Affairs, by whom it has long been considered.

Mr. WILSHIRE. Mr. Speaker, I wish to say a word with reference to the duties assigned to the Committee on the Territories. I do not agree with the gentleman from Ohio [Mr. SOUTHARD] in the construction of the rule on this subject. That rule provides that—

It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

I submit, sir, that by any proper rule of construction the assignment of this duty to that committee presupposes an existing government of the Territory before this committee can lay their hands upon the subject or exercise any jurisdiction. But whether that be so or not, the peculiar condition of the Indians inhabiting the Territory now sought to be organized renders it an especially appropriate subject for the consideration of the Committee on Indian Affairs to inquire first whether there should be any territorial government organized at all. Why? Because, if the Committee on the Territories will refer to the several treaties with these tribes, it will be found that they have accorded to them in fee-simple the right to the soil so long as they preserve their tribal relations. And more, they have the right to local self-government guaranteed to them by those treaties forever.

Mr. FRANKLIN. Will the gentleman allow me to ask him a question?

Mr. WILSHIRE. I cannot be interrupted. I submit to this House that state of facts itself raises a question that addresses itself particularly to the Committee on Indian Affairs and should be considered by that committee and passed upon before any other committee of this House should take cognizance of the subject. I now yield to the gentleman from Massachusetts, [Mr. SEELYE.]

Mr. SEELYE. Mr. Speaker, the question how this Territory shall be organized must of course depend upon the question whether it shall be organized at all, and the question whether it shall be organized at all depends primarily upon the wish of the Indians themselves and upon actual treaty stipulation with those Indians. And if that is not a question which primarily, and properly, and exclusively belongs to the Indian Committee for consideration, I do not know what question does. If it does not, it is about time I think the Indian Committee was entirely abolished. I demand the previous question.

Mr. SOUTHARD. Let us have a moment's further explanation; there have been three speeches on that side.

The SPEAKER. Does the gentleman insist on his demand for the previous question?

Mr. SEELYE. I do.

The previous question was seconded and the main question ordered.

The question first recurring on Mr. SOUTHARD's motion to refer to the Committee on the Territories; which was disagreed to.

The bill and the accompanying report were then ordered to be printed and recommitted to the Committee on Indian Affairs.

Mr. WILSHIRE moved to reconsider the vote by which the bill and report were recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PROTEST AGAINST REMOVAL OF DUTY ON IRON.

Mr. COCHRANE. Mr. Speaker, I hold in my hand the memorial of a number of iron-manufacturers of Allegheny County, Pennsylvania, protesting against the removal of the present duty on iron, and I ask unanimous consent that it may be printed in the RECORD; and, as there are but a few names attached, the names also be printed.

Mr. STEVENSON. How many names are there?

Mr. COCHRANE. There are only a few names, but if objection be made let it be printed without the names.

Mr. KASSON. I object, as the RECORD is already becoming too much encumbered by including matter which does not properly belong to it.

Mr. COCHRANE. I hope the gentleman will withdraw his objection in this case, as the memorial is exceedingly short, containing only two paragraphs.

Mr. KASSON. I understood it was to be printed with the names.

Mr. COCHRANE. I have withdrawn that portion in reference to the names.

Mr. KASSON. If that be withdrawn and the memorial is short, I withdraw my objection; but I insist the principle is a wrong one.

The memorial was referred to the Committee of Ways and Means, and ordered to be printed in the RECORD, as follows, without the names:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of the undersigned workmen in the Star Iron-Works, in the county of Allegheny and State of Pennsylvania, respectfully represents that we have observed with alarm and indignation the introduction into Congress of a scheme for tariff reduction, prepared, as we believe, not by members of Congress, for the benefit of this country and its inhabitants, but by adherents of other nations, for the benefit of foreigners. We submit to your wise consideration the following facts: First. Under substantially the existing system of revenue from imports not only the manufactures but the general wealth and prosperity of this country have advanced at an unprecedented rate during the past fifteen years; manufactured goods of all sorts are more abundantly and cheaply produced here than ever before, and the industrial independence of this country is more nearly achieved. Second. In the depression of industry now prevailing all over the world the manufacturing population of this country are bearing their share of the common adversity with resolution, and are endeavoring with all their power to make



use of this period by improving and cheapening their processes, trusting when better times arrive to serve their fellow-citizens even better than hitherto. Third. This attitude of patient endurance and partially-suspended vitality would in many quarters speedily give place to despair and ruin if the changes proposed in the bill now before the Committee of Ways and Means shall be enacted into a law.

We respectfully petition your honorable bodies to leave the tariff laws undisturbed for the present, and, when alterations are made therein, at a more favorable time, to take counsel from your own countrymen and constituents, rather than from the industrial and commercial enemies of your country.

#### H. G. BOARDMAN.

Mr. COCHRANE, by unanimous consent, from the Committee of Claims, made an adverse report on the bill (H. R. No. 675) for the relief of H. G. Boardman, postmaster at Milton, Vermont; which was laid on the table, and ordered to be printed.

#### STEAMBOAT PARAGON.

Mr. COCHRANE also, by unanimous consent, introduced a bill (H. R. No. 2824) to change the name of the steamboat Paragon of Pittsburgh, Pennsylvania; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### CORRECTION OF ERRORS IN REVISED STATUTES.

Mr. ROBINSON, by unanimous consent, from the Committee on the Revision of the Laws, reported a bill (H. R. No. 2825) to correct errors and supply omission, in the Revised Statutes of the United States; which was read a first and second time, ordered to be printed, and recommitted.

#### PETER WRIGHT & SONS.

Mr. BURCHARD, of Illinois, by unanimous consent, from the Committee of Ways and Means, reported a bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

The SPEAKER. In accordance with a resolution of the House passed the other day, the Chair announces the following additional members of the Committee on Expenditures in the Treasury Department: Mr. STENGER, of Pennsylvania; Mr. HOOKER, of Mississippi; Mr. SAVAGE, of Ohio; and Mr. WILSON, of Iowa.

#### ORDER OF BUSINESS.

Mr. CONGER. I demand the regular order.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole House on the Private Calendar.

The SPEAKER. Without having a morning hour?

Mr. BRIGHT. I thought the morning hour had expired. I withdraw the motion.

The SPEAKER. The regular order having been demanded, the morning hour begins at one o'clock and ten minutes, and the business in order is the calling of committees for reports of a private nature. The call begins with the Committee on Patents.

#### STEPHEN HULL.

Mr. J. H. BAGLEY, from the Committee on Patents, reported a bill (H. R. No. 2827) for the relief of Stephen Hull; which was read a first and second time.

The bill, in its preamble, recites that a patent for an improvement in harvesters was granted to Stephen Hull, which bears date September 14, 1869, and which, without any fault or negligence on his part, was not issued to him by the Commissioner of Patents till the 20th day of January, 1876; and the bill declares that said patent shall continue in force for the term of seventeen years from the said 20th day of January, 1876; provided that no person shall be liable to an action for any infringement of said patent which was done or committed previous to the said 20th day of January, 1876.

Mr. J. H. BAGLEY. I call for the reading of the report.

The report was read. The committee state that on the 14th day of September, 1869, a patent was granted to Stephen Hull for an improvement in harvesters, to continue in force for seventeen years; that this patent was withheld from the patentee by the arbitrary act of the then Commissioner of Patents for more than six years and four months, which arbitrary act is now conceded by the present head of the Office to have been wholly illegal and unjust. The reason given for not delivering the patent was that the patentee had neglected certain requirements of the Office, but Commissioner Duell, in a decision rendered January 4, 1876, says: "After a careful consideration of all the facts and the law applicable to this case, I am convinced that the alleged laches of the applicant consist entirely in the delays imposed by the action of the Office, and for which the Office was solely responsible." The patentee claims, and justly, the committee think, that he should not be deprived of the enjoyment of his patent for the time that it was withheld, and the committee therefore recommend the passage of the accompanying bill, which declares that said patent shall continue in force for seventeen years from January 20, 1876, the date when said letters-patent were delivered.

Mr. J. H. BAGLEY. It will be understood by the House from the reading of the report that this bill is not for an extension of a patent. The case, which is fairly presented I think in the report is this: The patentee applied in 1869 for a patent for an improvement in harvesters. The papers were drawn and the patent was granted. But before the delivery of it the Commissioner ascertained or thought that there

was something imperfect in the application, and therefore withheld the patent. Upwards of six years passed away, and Commissioner Fisher, who was the acting Commissioner, retired from office, and Commissioner Duell came into the place. The patentee then applied to Commissioner Duell, and Commissioner Duell upon an examination of the case decided that by the arbitrary act of the Patent Office the patent was withheld from the patentee. He now asks Congress to permit his patent to run from the 20th day of last January, when he came into possession of it. That is the substance of the case. The committee think it is a very proper and just case, and ask the House to decide upon it favorably. It is not an extension of a patent at all.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. J. H. BAGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JOHN STAINTHORPE.

Mr. J. H. BAGLEY also, from the Committee on Patents, reported back, with an adverse recommendation, the memorial of John Stainthorpe, and the same was laid on the table, and the accompanying report ordered to be printed.

Mr. CONGER. I ask that the report may also be printed in the RECORD.

There was no objection, and it was so ordered.

The report is as follows:

The petition of John Stainthorpe recites "that some time before the 6th March, 1855, he invented an improvement in machinery for molding candles which was not before known or used, and that he obtained letters-patent for his said invention dated 6th March, 1855, for fourteen years, which patent was extended for seven years." The patent therefore, after a life of twenty-one years, expired March 6, 1876.

Your committee, after a careful investigation, find the facts in accordance with the above statement, with the exception that a machine was used in England previous to the issue of this patent possessing some of the characteristics of the Stainthorpe machine. The possession of the letters-patent by the said Stainthorpe is, however, evidence sufficient to the committee that he had a right to what he claimed as his invention. The invention is of great value to manufacturers and to the public, reducing the amount of labor in a very great degree, producing candles many-fold faster than by the old method, and thereby of necessity reducing the cost of the article. The committee have no hesitation in saying that this inventor is entitled to great credit for his ingenuity. Mr. Stainthorpe, like many others of his craft, labored under the disadvantage of poverty, and was unable for the first fourteen years to realize much profit. It is not, however, in evidence that he was a loser, but, on the contrary, it seems he did receive a small compensation. After obtaining the extension Stainthorpe sold to parties in New Bedford, Massachusetts, his right in the patent for \$14,000. The patent has since been held as a monopoly, particularly in the manufacture of paraffine candles, the licensees being restricted from making that particular article. The result of the extension asked for will be to again place the patent in the possession of the present owners, Stainthorpe receiving as a consideration \$11,000, according to a contract already drawn and which the parties in interest admit with commendable frankness.

The petition meets with very strong opposition from the principal candle-manufacturers in many of the large cities of the United States. It is denounced as being the effort of speculators to hamper and injure a great industry employing much capital and labor, and that its continuance will enhance the price of candles.

The remonstrants also claim that a further extension will be detrimental to the public interests. Your committee are somewhat undecided upon this branch of the subject, and are inclined to think that, from the decreased consumption of candles attributable in great part to the immense production of petroleum and its use for illuminating purposes, there would be no great addition to the price by the payment of a royalty on the machines.

Your committee, however, having considered the case in all its bearings, one strong point being that the patent has had a life of twenty-one years, believe it would be improper to grant an extension, and recommend that the petition do lie on the table.

#### JACOB A. CONOVER.

Mr. J. H. BAGLEY also, from the Committee of Claims, reported back, with an adverse recommendation, the bill (H. R. No. 1381) for the relief of Jacob A. Conover; and the same was laid on the table, and the accompanying report ordered to be printed.

#### FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS, from the Select Committee on Freedmen's Banks, reported, as a substitute for Senate bill No. 141, a bill (H. R. No. 2828) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, and moved that the substitute be printed and recommitted.

Mr. EDEN. Is that report in order under this call?

The SPEAKER *pro tempore* (Mr. SPRINGER.) The Chair thinks it is. The Chair understands that this is a private bill.

The motion was agreed to.

Mr. DOUGLAS. I ask that the committee may be allowed to report it back at any time.

There was no objection, and it was so ordered.

#### RAILWAY BRIDGE AT OMAHA.

Mr. PHILIPS, of Missouri. I am directed by the Committee on the Pacific Railroad to report back, with amendments, the bill (H. R. No. 1547) limiting rates for the transportation of freight and passengers over the bridge constructed by the Union Pacific Railroad Company across the Missouri River at Omaha, Nebraska.

The SPEAKER *pro tempore*. This report is not in order under the present call.

Mr. PHILIPS, of Missouri. I think this might be considered a report of a private character. It affects private corporations.

The SPEAKER *pro tempore*. The Chair thinks not. It is a public bill.

A. K. EATON AND J. D. JENKINS.

Mr. PRATT, from the Committee of Claims, reported, as a substitute for House bill No. 988, a bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES MASON.

Mr. CASON, from the same committee, reported a bill (H. R. No. 2830) for the relief of Charles Mason; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. CALLAHAN.

Mr. CASON also, from the same committee, reported adversely on the petition of William C. Callahan, of Warsaw, Richmond County, Virginia, praying relief for money paid under a demand of the Post-Office Department and claimed as due on his accounts as postmaster before the war, for the sum of \$135; and moved that the petition be laid on the table and the report printed.

The motion was agreed to.

JAMES ALLENDER.

Mr. DUNNELL, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

L. MADISON DAY.

Mr. McCRARY, from the Committee on the Judiciary, reported a bill (H. R. No. 2831) for the relief of L. Madison Day; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. McCRARY. The chairman of the Committee on the Judiciary, I understand, desires to submit a minority report. He is not now in his seat, and I ask that he have leave to submit his report if he chooses to do so.

The SPEAKER *pro tempore*. The Chair hears no objection, and the leave is granted.

MRS. ELIZA E. HEBERT.

Mr. CONGER, from the Committee on War Claims, reported a bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert; which was read a first and second time, and, with the accompanying report, ordered to be printed.

SUSAN P. VANCE.

Mr. EDEN, from the same committee, reported a bill (H. R. No. 2833) for the relief of Susan P. Vance; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEWELL B. CORBET.

Mr. CABELL, from the same committee, reported a bill (H. R. No. 2834) for the relief of Sewell B. Corbet; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. J. HENDERSON.

Mr. MILLIKEN, from the same committee, reported a bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Kentucky; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH WILSON.

Mr. MILLIKEN also, from the same committee, reported, as a substitute for House bill No. 183, with a favorable recommendation, the bill (H. R. No. 1836) for the relief of Joseph Wilson, of Bourbon County, Kentucky; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

N. H. VAN ZANDT.

Mr. KNOTT, from the Committee on the Judiciary, reported back the bill (H. R. No. 2736) to remove the political disabilities of N. H. Van Zandt, of Virginia.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

M. A. HANCE.

Mr. SCALES, from the Committee on Indian Affairs, made an adverse report on the memorial of M. A. Hance, of Wyoming Territory, for relief on account of Indian depredations; which was laid on the table, and the report ordered to be printed.

W. W. MORRISON.

Mr. TUFTS, from the same committee, made an adverse report on the claim of W. W. Morrison; which was laid on the table, and the report ordered to be printed.

JOHN S. WALKER.

Mr. JOHN REILLY, from the Committee on Military Affairs, re-

ported back, as a substitute for House bill No. 148, the bill (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUTENANT HENRY METCALF.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported back adversely the joint resolution (S. No. 5) authorizing First Lieutenant Henry Metcalf, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey; which was laid on the table, and the accompanying report ordered to be printed.

HOMESTEADS AND BOUNTIES.

Mr. JENKS, from the Committee on Invalid Pensions, reported back a petition of citizens of West Middlesex, Mercer County, Pennsylvania, in favor of granting a homestead and \$200 in money to each of the soldiers of the late war, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

Mr. CONGER. I do not see why that should be referred to the Committee on War Claims. It relates to homesteads, and I think should be referred to the Committee on Public Lands.

Mr. JENKS. It relates to a bounty of \$200; and how that can go to the Committee on Public Lands, I cannot see.

Mr. CONGER. And how it can go to the Committee on War Claims, I cannot see.

The motion of Mr. JENKS was agreed to.

J. W. THORNTON.

Mr. JENKS also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. No. 169) for the relief of J. W. Thornton; which was laid on the table, and the accompanying report ordered to be printed.

EDWARD F. EDDY.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 2837) granting a pension to Edward F. Eddy; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

THOMAS H. MARTIN.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 2838) granting a pension to Thomas H. Martin; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

HENRY W. HIGLEY.

Mr. BAGBY, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2076) granting a pension to Henry W. Higley, of Lena, Illinois; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HARRIET C. DUNHAM.

Mr. BAGBY also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late a private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LOUIS A. McLAUGHLIN.

Mr. BAGBY also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1521) granting a pension to Louis A. McLaughlin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

NANCY A. HAMMOND.

Mr. BAGBY also, from the same committee, reported adversely the memorial of Nancy A. Hammond, for a pension; which was laid on the table, and the accompanying report ordered to be printed.

ELLEN MORROW.

Mr. RICE, from the same committee, reported a bill (H. R. No. 2839) granting a pension to Ellen Morrow, mother of John Morrow, late private in Company H, Potomac Home Brigade, Maryland Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARVEY BURK.

Mr. RICE also, from the same committee, reported adversely the bill (H. R. No. 1232) granting a pension to Harvey Burk; which was laid on the table, and the accompanying report ordered to be printed.

GIDEON CURTIS.

Mr. RICE also, from the same committee, reported back the petition of Gideon Curtis, for a pension, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.



MARGARET A. NORTHERN.

Mr. RUSK, from the same committee, reported adversely the petition of Margaret A. Northern, for a pension; which was laid on the table, and the accompanying report ordered to be printed.

JOHN J. PARTILLO.

Mr. RUSK also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM THOMAS.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 2103, a bill (H. R. No. 2840) granting a pension to William Thomas; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

GREEN EDWARDS.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 2216, a bill (H. R. No. 2841) granting a pension to Green Edwards; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

ROBERT S. TOLAND.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 1734, a bill (H. R. No. 2842) granting a pension to Robert S. Toland, of Bay City, Michigan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES C. BATES.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 2117, a bill (H. R. No. 2843) granting a pension to James C. Bates, of Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI D. HAYWARD.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 605, a bill (H. R. No. 2844) granting a pension to Levi D. Hayward; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HERMON NETTLEFIELD.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 1527, a bill (H. R. No. 2845) granting a pension to Hermon Nettlesfield; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BARTON R. BAKER.

Mr. SINICKSON, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 2050) granting arrears of pension to Barton R. Baker; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LOVINA ADELINE BOWKER.

Mr. SINICKSON also, from the same committee, reported, as a substitute for House bill No. 1353, a bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCINDA STEARNS.

Mr. SINICKSON also, from the same committee, reported a bill (H. R. No. 2847) granting a pension to Lucinda Stearns; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRIETTA J. FOUST.

Mr. SINICKSON also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1680) granting a pension to Henrietta J. Foust; which was referred to the Committee of the Whole on the Private Calendar.

F. M. BRUNER.

Mr. HEWITT, of Alabama, from the same committee, reported, as a substitute for House bill No. 2092, with a recommendation that it pass, a bill (H. R. No. 2848) granting a pension to F. M. Bruner; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CARLISLE BRIDGES.

Mr. HEWITT, of Alabama, also, from the same committee, reported back adversely the bill (H. R. No. 2502) granting a pension to Carlisle Bridges, of McCracken County, Kentucky; which was laid on the table, and the accompanying report ordered to be printed.

GEORGIANNA PARKER.

Mr. HEWITT, of Alabama, also, from the same committee, reported

back adversely the petition of Mrs. Mary F. Parker, of Portsmouth, Virginia, for a pension for Georgianna Parker, daughter of George Parker, late a sail-maker in the United States Navy; which was laid on the table, and the accompanying report ordered to be printed.

SUSAN ELLEN STEWART.

Mr. HEWITT, of Alabama, also, from the same committee, reported back adversely the petition of Susan Ellen Stewart for a pension; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM RULE.

Mr. BRADLEY, by unanimous consent, from the Committee of Claims, reported, as a substitute for House bill No. 881, a bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAJOR G. M. SCHOLEFIELD.

Mr. BRIGHT, by unanimous consent, reported back from the Committee of Claims the petition of the bondsmen of the late Major G. M. Scholefield for relief; and moved that the committee be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

SARAH F. ALBERTSON.

Mr. ROBBINS, of North Carolina, by unanimous consent, reported back from the Committee of Claims, with a recommendation that it pass, the bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Boonville, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. RICE. I move that the House resolve itself into Committee of the Whole to proceed to the consideration of business on the Private Calendar.

Mr. RANDALL. I move that, according to order, the House go into Committee of the Whole on the legislative appropriation bill.

Mr. RICE. This is regular private-bill day—objection day; we insist that the regular order be maintained.

The SPEAKER *pro tempore*. (Mr. SPRINGER.) The Chair will state that yesterday afternoon the House made a special order that after the morning hour to-day the House would go into Committee of the Whole on the legislative appropriation bill. That is now the business in order.

Mr. RANDALL. I make that motion.

Mr. RICE. My motion was made first. I do not withdraw it.

Mr. RANDALL. It requires unanimous consent to supersede the agreement made yesterday.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is right.

Mr. HURLBUT. The order of the House is of record. I ask that it be proceeded with.

The SPEAKER *pro tempore*. The regular order is called for, which is that the House now resolve itself into Committee of the Whole on the legislative appropriation bill. The gentleman from New York [Mr. COX] will take the chair.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Cox in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. By order of the House the Committee of the Whole resumes the consideration of the legislative, executive, and judicial appropriation bill; and general debate will terminate in one hour. The gentleman from Illinois [Mr. HURLBUT] is entitled to the floor.

Mr. HURLBUT. Mr. Chairman, it seems to be the custom of the House on bills of this nature to allow the most unbounded latitude of discussion, and I propose to avail myself of the time allowed me to pass in review certain questions which, in my judgment, are of paramount importance to the peace, good order, and harmony of this nation, and I do it in reply to the long line of argument, assault, and invective which has been poured upon the republican party, its conduct and management, commencing with the thundering harangue of the gentleman from the highlands of Georgia [Mr. HILL] and ending with the good-natured scolding of the gentleman from the lowlands of North Carolina, [Mr. YEATES.]

There are questions that rarely come into this House, for the reason that the Representatives of the people are not as a general rule up to the requirements of their own position. The rank and file of this country—the thinking, working, voting, fighting men—are as a rule, on this question, in advance of their Representatives. Now, sir, we had here in the speech of the gentleman from Georgia on the amnesty bill one of the most astonishing parodies I have ever happened to hear upon the beautiful parable of the prodigal son. I do not know any particular in which the prodigal son of Scripture had not the advantage over the gentleman from Georgia and those who are united

with him in his movement. The prodigal asked the consent of his father. He asked for the share that belonged to him; he took it by gift. These gentlemen did not ask; they took. The parallel runs along very well in the next matter; they both went off into far countries and "wasted their substance in riotous living." But, sir, the next feature in the case is wholly to the advantage of the prodigal of the Scripture, because he "came to himself." That is what these gentlemen have never done. Away off in that far country, in the misery to which he was reduced by his own unwise and wrongful act, the prodigal "came to himself;" and he remembered his father's house.

There was something strangely amusing in the pretense vauntingly set out by the gentleman from Georgia that he had come back to his father's house. The trouble with him was he would not come. We sent for him all sorts of messages, but he would not come; and from that time to this no man has ever heard from his lips, or any of those who train with him, those words of penitence which came from the broken heart of the prodigal son and which gained him reconciliation and re-admission to his father's house.

All along in all these debates there has been a constant assertion that no wrong had ever been done, that the rebellion in itself was a right thing, that they were obeying the higher law in attempting to break down this country. And they wonder now, to judge from the speeches I have heard lately, how it is that the American people do not trust them as frankly, as completely, as absolutely as they would men who had never sinned.

There is no use, Mr. Chairman, of mincing matters as to plain facts. There exists a division to this day in the public sentiment of this country as marked and distinct as it existed in 1864 and 1865. That distinction is between those who believed then and still believe that levying war against the United States was treason and crime and the men who did not so believe then and do not so believe now. That distinction is irreconcilable and it is one on principle. I have neither the time nor the disposition to deal with individual men. I propose to address myself to this question of the division upon principle that exists in this country.

I assume, sir, that nine-tenths of those men who went into the rebellion in 1861 went because they believed they were right and believed all they said. They argued the question before their people broadly and strongly as to the right. Nor have I ever heard any man who went into that movement who did not justify it at the time it was done and insisted it was the only thing freemen could do. The literature of that time has not perished yet from the memory of men. There are here in this House, as there are everywhere, men who, by voice and by vote, by eloquence and by argument, by reason, by appeals to passion, by every means which could carry the public mind, urged their people to that fatal measure of secession and war, and so far as I know no man has ever taken back those arguments. They urged that this Government of the United States in 1860-'61 was a tyranny so bad, that no free, self-respecting man could afford to stay in it. They alleged that to remain in that same old Government of ours would be to confess themselves slaves, and slaves of most unworthy masters. And, sir, the people were swept away by that doctrine.

Now, Mr. Chairman, there was logic in this thing. I can remember perfectly when nullification was trampled out under the armed heel of the last democratic President who ever stood by the nation. I can recollect when that attempt failed there was deliberately organized all over the southern country—deliberately carried into effect the means for sweeping, changing, controlling the whole public mind of that country; and those means did not fail. Then it was especially that this same doctrine of the right of secession, resting on the right of State sovereignty, was spread and taught everywhere. Then, as the best and wisest of all men I knew in that country wrote to me in 1861, "every avenue by which the hearts and intellects of the people can be reached has been perverted; the pulpit, the bench, the bar, the press, the school, the universities, have all been debauched with this doctrine."

And, sir, the logic of the men who prepared that doctrine is just as inexorable as any human logic can be. It is as accurate, as close, as complete as the Calvinistic doctrine of the five points: given original sin, and you come to universal damnation; given State sovereignty, and you come to secession and rebellion. [Laughter.]

This same doctrine, I am sorry to say, has been repeated here on this floor, and there is logic in that, because, if the doctrine of State sovereignty be true, then these gentlemen, who, in our opinion and under the Constitution and laws, committed treason, committed no crime. The doctrine of extreme State sovereignty justifies any citizen of a State in following that State against the Union; and hence it is repeated and brought in here, as in the very able and logical speech of the gentleman from Virginia, [Mr. TUCKER,] because it is the only shield in the world against the fixing upon each man who took part in the rebellion the crime of treason and the name of traitor.

But, sir, it is a pertinent inquiry, and it is one that is asked by thousands upon thousands of thinking men throughout the country. If it be true that, in all honesty and all fair dealing, believing the thing to be right, the men who inaugurated and carried on secession and rebellion were in 1861 honest in their hatred to the Union, their assertions of independence, and determination not to remain in the Union, the question arises, what has the nation done to them since to win back their affection? What justification is to be given for this

gushing of centennial patriotism? It is a question asked by the people, and it is a question entitled to an answer.

Let us look at the facts of history, and I allude to them with no vindictive spirit. The war came, and then what followed? Army after army penetrated into the vast fields of the South, and wherever an army goes destruction follows; for, sir, there is nothing on earth that is so complete an instrument of destruction as an army. What followed? Losses of life innumerable, captures of cities, storming of towns.

Now, sir, not here, or anywhere, have I failed, or will I ever fail, to render to the men who met us in the field the tribute which is their due for the splendid manhood with which they fought out their cause. That is true and it is honorable, and it is American, and it belongs to me as well as it does to them. But, sir, in the end all this resistance failed. From mere weariness, exhaustion, and inability, the arms fell from hands that could no longer hold them. Was the defeat on the field the wearing out of their armies? Was that one of the tender ways in which the United States has won back this lost allegiance and this lost love?

But it did not stop there. During the war, and as a war measure, the Commander-in-Chief of the armies of the United States declared freedom to a vast class of persons who had up to that time been called slaves and held as such. Look back at the records of that time. I read here in the debates of Congress many very interesting remarks of gentlemen then and now in the opposition, likening that order of the President to the Pope's bull against the comet, declaring it to be a mere *brutum fulmen*. But it did not so turn out. Large masses of these men wherever the armies went became free.

What else? When the war was over, the first among the chief things done was the preparation and passage of an amendment declaring this whole class that had previously been property to be men, and at one single blow \$400,000,000 of the best and most valuable property of the South were annihilated. Is it by that "confiscation," as they call it, that the love, the alienated affections, of the former slaveholders were won back? But, sir, it did not stop there. The inexorable logic of events drove this nation not only into the assertion of the manhood of the slave, but into the assertion of his civil and political rights; and the prejudices of two centuries were struck to the roots; the long inheritance of the sense of dominion and mastery was shocked to the last extreme; and without any preparation two races of men, of whom the one had been master in the fullest sense of dominion and the other had been slave in the most abject of all servitudes are brought face to face upon the theater of our Southern States, upon the common right of equal manhood and equal citizenship. Is that which so shocks the heart, the feeling, the prejudice, the passions of the whole population down there—is that one of the means by which the affections that gush in such brave words upon this floor were won back? No, sir. We cannot truly say as a matter of fact that this nation was eminently magnanimous to those who revolted. Whether the nation intended it or not, no more severe, no more crushing, no more continual punishment could have been inflicted than has been inflicted under those amendments. And, sir, it is so felt and recognized at the South to-day.

Few men, even of the most cautious minds, hesitate to say that the reconstruction amendments are a failure and a curse to the country, and the baser and more violent sort hesitate at no steps to make them barren and fruitless of results.

Now, sir, the plain people in my country know all these facts. You cannot answer them by any well-constructed and rhetorical discourses over dead statesmen, whose lives you made bitter while they lived. Nor can you answer them by loving appeals to the Constitution, which the gentleman from Georgia says he carried off, like other defaulting partners who ran away carrying off the goods of the partnership, and are brought back by blue-coated policemen by the nape of the neck. No assertion merely of unreasonable and unwonted affection is going to change the deliberate, well-considered, solid, substantial opinion of the people of this nation; and by the people of this nation I mean the men who think, who act, who fought, who work, who vote.

The gentleman from North Carolina [Mr. YEATES] gave utterance yesterday to a sentiment which I have no doubt is true. He said that the South had come back, come back united with the democracy. Well, sir, the unconverted South ought to be united with the northern democracy. That is the place for it. Why not? These very things of which they complain, these amendments to the Constitution each and every one of them were passed in this House, in the State conventions, and in the Legislatures against the will, against the protest, and against the argument of the then existing democracy. There is not a statesman in the democratic party in the North that I know of who has not on the record to-day his settled opinion not only that these amendments never ought to have been put into the Constitution, but that they never were in fact legally and constitutionally adopted.

Now, sir, whether they are doing the democracy any good or not is entirely another thing. Whether it may not be that the taint, if I may call it so, the suspicion which in the popular mind attaches to men who have within the last ten years occupied the place which they have done—whether that taint will not affect in the public mind the men whom they have voluntarily claimed and who claim them as allies, is a question to be determined hereafter.

There is another terrible mistake which seems to prevail among the



members of this House. There seems to be an impression as if the republican party of the United States were on trial. Well, it is on trial, as every other organization which wields power is, before the people; but the real party which is now standing the crucial test is this very majority in this present House. The calm, incorruptible scrutiny of the American people rests upon you to know whether you have the competency and the will to carry out those great reforms to which you affirm yourselves to be pledged. The trial works both ways. The great tribunal before which we are to be tried is the American people, and the American people are governed as all other people are by reason, by sentiment, by affection, and perhaps by prejudice. But, unless it shall be made to appear to the satisfaction of the thoughtful men of this country that there is better hope for the future prosperity, future unity, and future greatness of this country in the hands of the holy or unholy alliance of which the gentleman from North Carolina talked yesterday, rather than in the hands where it rests now, you need not expect any special change.

Sir, there are undoubtedly here a great many men on the other side of the House who have come into this House by the regular expression of the political opinions of the districts which send them; so also there are a great many men who are the spasmodic result of a certain hysterical affection of the body-politic, the result of some shock or disgust, and the trial is working now. The demonstration to be made is that you are more competent, more true to the Union, more true to its real interests, more true to its undeniable rights and to its future destinies than those who have had it in charge so long; and that sort of thing cannot be met by any petty line of business; it cannot be met by any flinging of mud. It has got to be met by demonstration of purpose, heart, and ability, and that is where this majority is now being tried. You cannot meet the demands of the people as you propose to do it in this bill by a rash, sweeping, cutting off of expenditures without any reason, or by simply asserting without any proof that the Departments of the Government are overloaded, or by cutting down the poor clerks from their monthly pittance. The American people are not poor. These gentlemen opposite, and especially the gentleman from New York, [Mr. WILLIS,] who represents, I believe, all the wealth of Wall street, have no right to talk about the American people being poor. They never have been, and they never will be too poor to pay a fair and competent price for the labor they ask from their public servants.

But, sir, the question which overrides all others in this matter is the question of the maintenance and perpetuity of this nation. That is the real thing. With this doctrine of secession asserted here again upon this floor and argued elaborately, with the declaration that we are not a nation, with the assumption that we are but a loose confederacy of States, all men see an attempt to roll back the whole current of events, to set aside all the great fruits of the struggle the country has gone through; and I warn gentlemen here now that the most prominent sentiment in these United States to-day is nationality and the perpetuity of the country. And the man or men, the party or parties, that either run against it or that even indicate that they shudder from coming up to the full requisition of that demand, are doomed.

Now, sir, I for one desire the establishment of absolute peace, absolute order, perfect good-will all over this country; but I do not expect it to come from resolutions nor from speeches. I expect it to come in the only way in which it can come—by action. I expect the judgment and conscience and feelings of the great conquering, victorious portion of this nation in the late struggle to be satisfied by the acts of those who now are restored to the Union. Those acts are of a nature so plain, so manifest, so clear, that they will be satisfied with nothing else, for, sir, the people of these United States—and I mean by the people of the United States that mass of brain and bone and muscle which saved the country in its hour of peril and which defends the country now—that mass of mind and brain and muscle will not be satisfied with anything but the fruition of that for which they fought. They have accepted, sir, as full payment for all that they have done and suffered, the complete enforcement of the three great amendments to the Constitution. They receive them as payment for the services which they have rendered; they receive them as the reward and the result of the great war. They receive them in payment for their empty hearthstones and their crowded graveyards. And whenever it appears that in any part of this country there exist combinations by which the rights secured under these amendments are either violently or fraudulently defeated, it touches the tenderest spot in the sensibilities of the people of this country.

Unless throughout this nation there shall be no differences between citizens; unless it shall be absolutely lawful and absolutely secure for any man anywhere under this flag to speak and act and vote just precisely as he likes; until that consummation has been reached, this cause of irritation and trouble will remain.

Mr. Chairman, every man knows that in all these things that I have said, or in what I may say, I am governed by no sense of personal bitterness. There is probably no man who stands upon this floor upon this side of the House who has such close relations by blood and kindred with the Southern States as I have. Some of the very leading spirits who assisted in seducing the people from their allegiance are among those who are bound to me by ties of kindred. I believe they were honest and earnest in what they did, but the cause for which they worked, the end which they sought to bring about, was,

in my judgment and in the judgment of the people of these United States, the most criminal for which men ever combined together. To strike at the life of a man is but to extinguish a single existence, but to strike at the life of the nation is to arrest the entire progress of civilization, to roll back the current of progress, and to cast us all adrift again upon a sea without compass and without chart, and so the people have considered it.

It was said of old, Whether is the greater, the gift or the altar that sanctifieth the gift? What is there that a man values more highly than he values his life? And yet innumerable lives were freely offered up, sons given by their mothers, husbands parted from their wives, and their lives offered up on the altar of their country. It is by the price which we pay for things, or are willing to pay for them, that we value them. And we recognize the price that has been paid; we recognize that that price is one that cannot be afforded to be paid again in a generation, scarcely in the life-time of any nation. It is a full, complete, satisfactory price. And the reward that is claimed for it is not that men shall join in adopting resolutions, but that they shall recognize the dominion of the law; that they shall recognize that force shall not be substituted in the place of law; that they shall recognize that violence is not a mode to be applied among a nation of freemen to control elections.

When these things shall come to pass, when it shall come to pass in this country that everywhere throughout this nation the rights of all men, black and white and of all the intermediate shades, shall be recognized fully, completely, and absolutely, then there will be peace. But that peace never can come as long as men who themselves have been active in the original promulgation of this doctrine stand up before the American people asserting that same dangerous, suicidal, ruinous doctrine of extreme State sovereignty and the right of secession. Two-thirds of all the thinking men in this nation to-day have been educated up to this point: that they can raise their bold foreheads up to the blue sky that hangs over them, recognizing but the one flag of their country, and say in all honesty and pride: "Above us there is nothing but the nation; above the nation there is nothing but God."

I now yield to the gentleman from Iowa [Mr. KASSON] the remainder of my time.

Mr. KASSON. In approaching the consideration of this legislative appropriation bill, I feel that many in this House as well as myself must be embarrassed by two distinguishing facts that continually present themselves. The first is that the political situation of the House itself in relation to the General Government is peculiar. Very rarely does it happen in our history that the majority of the House of Representatives is antagonistic to the Administration of the country. In other countries having a responsible government it so happens that the administration changes with the majority of the popular branch of the legislative body. Here our Constitution provides for a different system; and hence it is possible, and to-day it is actual, that a majority of the body that originates appropriation bills is in political antagonism to the Administration charged with the function of executing the laws. This is the first difficulty.

And gentlemen of the majority will see, as clearly we do, that in the eyes of the country it subjects them to the suspicion, unless they act with great prudence and discretion, that they strike heavier blows in the reduction of appropriations at the Administration of the National Government than they would do if they were in political harmony with that Administration. I beg to submit that thought to their consideration, and to take to myself also the proper consideration that the minority, being in harmony with the Administration, may possibly have such sympathy with it as not to be willing to go quite far enough. I propose to ascertain whether there may be some ground upon which the careful, prudent men of the majority of this House and of the minority may combine in the consideration of this bill.

The second fact is that the civil service in our country, which is so seriously struck at by this bill, is upon a different basis from that of any other country in the civilized world, I believe, whether under monarchical or republican administration. In no other country within my knowledge, and I have had actual contact with the civil force of several different nations—in no other country does the mass of the civil service in its personal composition depend upon the political complexion of the body making the appropriations. It does not even depend upon the political complexion of the administrative department. And the struggle of the true republicans and reformers in the United States to-day is to put our civil service upon a more permanent footing, to make attachment to the Constitution, obedience to the laws, integrity of character, and fitness for the office the leading characteristics and qualifications; and then, as long as they are faithful in the discharge of their duties in all the minor employments of the Government, to let them remain in office.

I submit that gentlemen on both sides of the House who seek the good of the nation will unite with me in the hope that at some time, not too long postponed, we may agree that the first question to be put to a candidate for a subordinate position under this Government shall not be to what political party do you belong? but shall relate to his fidelity to the Constitution, his observance of the laws, his honesty, and his fitness for the functions proposed to be assumed by him. Let me say that I am myself endeavoring to mature a bill upon these principles, and will present it to the House as early as I may be able to do so.

Then there is one other trouble in coming to the consideration of this bill in addition to those I have mentioned. That is, that the Committee on Appropriations, through its leading members, have not made it comfortable for those who dissent from their propositions to offer and support any amendment, no matter how carefully drawn, which shall propose any change in their bill. On the contrary, they have chosen hitherto in the main to insist that their propositions shall be supported in such a way as to shut out from fair consideration propositions for amendment coming from either side of the House. Owing to the views I entertain touching some of the provisions of this bill, I must appeal to the majority of this House whether it is not for the interest of the whole country that their minds shall be open to the reasons presented for some amendments to this bill, whatever side of the House they may come from, in order that we may arrive at correct results?

With these preliminary observations, and remembering the short time allowed me to direct the attention of the House to the provisions of the bill, let me proceed to apply what I have said to some of these clauses. The committee by this bill raise the question of compensation, beginning with the President of the United States and extending almost to the least of the appointees of the Government, coming down to \$1,200, where they stop. Is this proposition wise and right? Gentlemen know very well my position in the last Congress touching the compensation of members of the House and the Senate. Those who were members of the Forty-third Congress know well that I endeavored, as did the majority of the House, to comply heartily and frankly with the demand of the country, which I believed right, in the reduction of those salaries to the former standard. This committee have raised the question, shall we go further? Shall we go beyond what the Forty-third Congress did, and again raise the question then settled to the satisfaction of the country.

If the proposition be to make a sweeping, horizontal reduction of all salaries, the committee is nearly right. If, on the contrary, the action of the committee should have been directed to a discriminating consideration of those salaries which were too high with reference to the permanent wants of the Government and of the country, then the question is open to consideration and the bill should be amended. I have only to say that a thousand times sooner will I strike our own salaries down to the figures which prevailed prior to 1860, down to \$3,000, than touch the poorly paid laborious employes of your Department living only upon salaries which have pertained to their positions for nearly thirty years. If you are going to strike these poor employes who now barely pay their yearly bills, let us strike down our own pay so that it will barely meet our yearly bills, living here in Washington in the humblest manner consistent with self-respect.

The committee have re-opened the whole question by the manner in which they have presented it to us; and I feel that my own self-respect will not allow me to receive \$4,500 if I am not willing to allow the laborious clerk to receive for the service which he renders the Government his \$1,400 or \$1,600 or \$1,800—salaries fixed before there was any depreciation in the currency of the country, or increase in the expenses of living, when rents in the city of Washington were nearly one-half what they are now.

Sir, if all the members of this House would take the trouble to acquaint themselves, as well as others of us who have been here longer, with the actual impossibility of these poor employes living on these reduced salaries and properly supporting and educating their families, they would at once put their hands upon those clauses of the bill and say, "You shall not touch those old-established salaries that have stood for over twenty years without being increased." If you strike at the salaries which were increased in consequence of the increased cost of living and the diminished value of the circulating money, then you are right. On that principle we on this side will work with you heartily and put them down to the least limit consistent with the employment of proper men and the decent support of human life here in this city.

What then will you do? Will you entertain an amendment that shall nullify those clauses of the bill that affect the old salaries that have stood in old times, salaries fixed when the political majority was different and never since changed, and limit your reduction to those that have been increased, or will you assent to the whole proposition of the committee and strike down all salaries irrespective of their relation to the necessary scale of expenditure or the responsibility of the office? Of course when these principles come to be applied, gentlemen must be prepared upon the very brief debate allowed on these questions to come to some intelligent and proper opinions.

Now let me call attention to the two Departments with which I am most familiar; and the House will pardon me for saying that as to one of them, having once served in a post that rendered me familiar with every branch of that Department, I cannot see how this House can support the provisions of this bill. You will observe that there are some Departments of the Government whose labors have been largely increased during and at the close of the war, and whose labors have since been diminished. There we have been cutting down continually, and we ought to continue to cut down as the work diminishes. But there are some Departments of the Government where the work has increased in consequence of the termination of the civil war, where in the growth of the country increase of labor has necessarily resulted. There your theory of cutting down by a horizontal percentage cannot apply.

The Post-Office Department is one to which I refer more particularly now. During the civil war the post-offices throughout the Southern States had no administration from Washington. Since the close of that war those post-offices are restored. With every increase of settlement in the Territories and the Western States the labors of that Department increase, and in connection therewith the duties of the Sixth Auditor's Office of the Treasury. Do not gentlemen see, in contrast with certain Auditors connected with the Treasury and having charge of war expenditures, that while the duties of the latter are diminished and you may cut down the clerks in those offices, you cannot apply your 20 per cent. or any other percentage of reduction to the Post-Office Department without striking immediately at the ability of the Department to perform the public business.

The Post-Office Department, which by this bill is reduced in its force I think some eighty in number, is a Department which I submit to the House you cannot strike at to that extent without striking directly at the proper administration of the postal system and the proper work of that Department.

Then take the State Department, with which also, having been formerly charged in the Committee on Appropriations with some portions of its business, I have become familiar. You destroy in this bill the entire system of organization effected by the present Secretary and approved by a former Congress.

When he came to that Office, Mr. Chairman, there was much confusion among all its papers and many defects in its system, partly owing to want of time in former administrations to systematize and arrange them, partly owing to the fact that the former Secretary, Mr. Seward, who was as we all know a very able man, had no time to attend to such details in his Department. The present Secretary, I submit to this House, has manifested a power of organization and of labor almost without precedent in this Department. It happens to be within my personal knowledge that there is no plowman, no artisan, between the Atlantic and Pacific who has worked as many hours per day for several years as has that Secretary. He has among other labors, by the aid of his assistants, (particularly of a former one,) entirely re-organized that Department with a view to its greater efficiency and to utilize the many historical papers on deposit there. An immense quantity of papers of the great statesmen of the country have been collected and arranged. Manuscripts reaching to hundreds of volumes have been put in order, indexed, and prepared for reference by future Secretaries through all time.

Now, Mr. Chairman, in that organization a former Congress has allowed him three Assistant Secretaries. This bill strikes off one of them, and in doing that it destroys the distribution of labor and organization of the work under which every branch of service of that Department is now going on. I am assured and believe that in doing this you perpetrate a serious injury upon the national interest, because in this organization he has classified duties and labor according to the assimilated questions arising in our foreign relations. He has consequently perfected and educated the officers and clerks in charge of these several branches, and if you take those away you leave no persons trained to the proper discharge of their duties in their places.

I wish to say also that in that Department there are six Bureaus and a chief for each. This bill reduces them to three, and when you come to examine the functions pertaining to each Bureau, you find that you cannot combine more than two with propriety without destroying the utility of the organization. I have reason to believe two as now existing can be merged into one, reducing the number to five; but beyond that this House cannot safely go.

I withhold what I have to say on the details applicable to that Department until we come to the five-minute debate. I wish only to call the attention of the House now to the fact that it is not simply retrenchment accomplished by the bill, but disorganization. It is disorganization, and as such should receive the careful consideration of this House before it shall be adopted.

I believe, Mr. Chairman, that the majority of this House, if left to their own judgment, will be willing to consider the amending propositions on their merits, and weigh them for the good of the country at large. I regret that all these questions should come under political bias before the House. It is strange, passing strange, that we cannot consider questions of carrying on our common Government without perpetually making some political point between the opposite sides of this House. I appeal to gentlemen when they come to the practical administration of the Government of the country to give that Government adequate means to perform its functions properly, safely, and promptly.

You say retrenchment must be made, but that declaration is a word from the mouth, empty air, unless you make it upon a principle consistent with the public good. I remarked the other day, and repeat it now, if you merely retrench, and call that reform, without a sound principle upon which your retrenchment rests, you have made an extremely imperfect bill; for you can retrench by 50 per cent., by 75 per cent.; you can retrench and leave nobody to perform the functions of Government for pay. I wish no reserve or concealment about it. Wherever you find a useless employe you may properly discharge him, and ought to do it. What I object to is, that we are attempting to do what in no other country in the world ever before has been attempted to be done. We are attempting, we who are ignorant as I am touching many of the Departments, to strike down their force without the approval of the Department, without the advice of the Department,



against their representations, and in some instances, as a member of the committee stated on this floor, without consulting the responsible officers of the Department.

The CHAIRMAN. The time allotted for general debate has now expired, and the Clerk will proceed to read the bill by clauses for amendment.

Mr. PHILIPS, of Missouri. I desire to submit some remarks on this bill, but as the time has expired without affording me an opportunity to do so, I wish unanimous consent to print some remarks in the RECORD as a part of the debates.

There was no objection, and it was ordered accordingly. [See Appendix.]

Mr. WHITE. I also desired to submit some remarks, but as the time has expired, I also ask leave to print them in the RECORD as part of the debates.

There was no objection, and it was ordered accordingly. [See Appendix.]

The Clerk proceeded with the reading of the bill.

Mr. KASSON. Is the reading now for information or for amendment?

Mr. RANDALL. The first reading of the bill was dispensed with, and now it is being read for amendment.

Mr. KASSON. I want the House to understand that before we go any further.

Mr. HALE. Whatever may be the actual record, it is evident gentlemen did not understand the bill was being read for amendment.

Mr. RANDALL. I am willing to go back and commence at the beginning and read for amendment.

Mr. WADDELL. I rise to a point of order. When is an amendment in order?

The CHAIRMAN. Amendment is in order at the conclusion of the reading of each clause of the bill.

Mr. WADDELL. What do you call a clause.

The CHAIRMAN. Each paragraph; not a section.

Mr. WADDELL. Where a period occurs?

The CHAIRMAN. Amendments are in order at the end of the reading of each paragraph or section.

Mr. WADDELL. The question is, what constitutes a paragraph?

The CHAIRMAN. The Chair understands the uniform usage of the committee to be to read the whole paragraph through; and the gentleman knows what a paragraph is.

The Clerk informs the Chair that there has been no order waiving the first reading of the bill in committee. Is there objection now to dispensing with the first reading of the bill at length?

Mr. HALE. Let it be on the condition that we go back to the beginning of the bill.

Mr. RANDALL. I agree to that.

Mr. CONGER. I object to waiving the first reading of the bill.

The CHAIRMAN. Does the gentleman from Michigan insist on the reading of the whole bill?

Mr. CONGER. Yes, sir.

Mr. GARFIELD. I hope the gentleman will not insist on that. If he does, we will lose more than an hour.

The CHAIRMAN. If the gentleman insists, there is no alternative but for the Clerk to go on with the reading of the bill.

Mr. CONGER. I withdraw my objection.

There was no further objection, and the first reading of the bill was dispensed with.

The Clerk proceeded to read the bill by paragraphs for amendment, and the following paragraph was read:

Senate:

For compensation of Senators, \$333,000; and from and after the 30th of June next the compensation of said Senators shall be \$4,500 per annum.

Mr. BAKER, of Indiana. I offer the following amendment:

Strike out these words, "\$4,500 per annum," and insert "\$3,000 per annum; and no mileage or other allowance for stationery or otherwise shall be allowed them."

The question being taken on the amendment, it was not agreed to.

Mr. FOSTER. I offer the following amendment:

Strike out "\$4,500" and insert "\$2,700."

I offer this amendment because the principle upon which the committee has acted has been a reduction of 10 per cent. upon salaries that were fixed in 1855, 1856, and 1857, and previous to 1865. The salary of a member of Congress at that time was \$3,000. I desire to preserve the consistency of this democratic and reform House, and I think that if these salaries are to be reduced as proposed by the committee, it is nothing more than fair, it is entirely consistent and in entire harmony with the principles upon which the bill has been framed, to reduce our own salaries to \$2,700.

Mr. RANDALL. Will you allow me to ask you a question? Why did you not propose that amendment in committee, instead of assisting in the reduction that they made of 10 per cent. on the salaries?

Mr. FOSTER. I beg to say that I shall not be catechised here on this floor by the chairman of the committee.

Mr. RANDALL. I have the floor, and I want to show to the House and to the country the inconsistency and the duplicity of the gentleman from Ohio in coming in here and offering an amendment to make our salaries \$2,700, when he assisted the committee in the reduction—

Mr. KASSON. I raise the point of order that proceedings in com-

mittee must not be disclosed here. Fortunately nothing requires to be said in support of it, because of the familiarity of the gentleman from Pennsylvania with the rules. Nothing is better understood than that.

Mr. RANDALL. I am only stating what has been stated over and over again, and I have been attacked here in my absence.

Mr. FOSTER. I have a very good answer to the attack of the gentleman from Pennsylvania.

Mr. RANDALL. I have made no attack. I have stated facts.

Mr. FOSTER. You charged me with duplicity and inconsistency.

The CHAIRMAN. The Chair must call on members to observe the rules of debate. The rule is express that five minutes are allowed to the gentleman who proposes an amendment for speaking in support, and five minutes in opposition to it. The gentleman from Ohio offering the amendment has exhausted his five minutes, and for opposing the amendment five minutes are allowed, which the gentleman from Pennsylvania has now.

Mr. RANDALL. I of course oppose the proposition of the gentleman from Ohio. I thought that in taking 10 per cent. off the salaries throughout we should take 10 per cent. also off our own salaries. I saw and now see no other ground upon which we can stand. I therefore, of course, object to that amendment fixing the amount at \$2,700, for the reason that there is no sincerity in it, in my judgment, and that the gentleman does not want it and does not expect it to be adopted. The bill fixes the salary at a point where I think it can safely rest with the approval of the country, and at a point which will enable us, in view of the rates of all commodities, to cover our expenses with our pay.

Mr. O'BRIEN. I desire to offer an amendment.

Mr. FOSTER. I wish to say a word. The gentleman from Pennsylvania has seen fit to charge me with duplicity in moving this amendment. Mr. Chairman, I recognize the right of the majority of this House to control this bill. I made this motion in honest good faith, as I do everything. There is no demagoguery about it, and the gentleman from Pennsylvania well knows it.

When this question was first considered in committee the proposition was made that a 10 per cent. reduction should be made all through. To that motion I agreed. But afterward, when we got into the bill, more than 10 per cent. reduction has been made. We have gone back on almost all the salaries of the employees of the Government to the time when our salaries were \$3,000, and have deducted 10 per cent. And I propose to hold the majority of this House and the chairman of this committee, who is so free in this early part of the debate to charge duplicity on me and others, to a strict account. I tell you, gentlemen, there is no consistency in your bill unless you consent to a reduction of your own salaries to \$2,700.

Now, Mr. Chairman, I regret exceedingly that the chairman of the committee should have made this assault thus early in the debate. His own consistency can be called to account more than that of any other member of this House. Up to one year ago—the 3d of March, 1875—he was the advocate of high salaries, and this marvelous conversion of his has occurred since that day; perhaps since he has become the chairman of this committee, and since we have had a democratic House. I do not know for what reason. I charge him with no duplicity. I give him credit for an honest conversion. But I do not want him or any other gentleman to try to deter me from the discharge of my honest duty here by the charge of duplicity.

I now withdraw the motion to strike out the last word.

Mr. BAKER, of Indiana. Mr. Chairman, when I came here fresh from the people into the Hall of this House, and having been selected by them not as a politician, but from the fact that I had never been mixed up in politics, I came here with the pledge that I made to them and that I intend in all honesty and good faith, so far as I am able to do it, to redeem, to use my voice and my votes in the direction of economy, retrenchment, and reform; and when I say here that I am honestly in favor of it, I defy any man anywhere to say that in attempting to strike down the salaries provided in this bill for Senators and Members and Delegates of the House I am actuated by anything but a patriotic desire to lift from the shoulders of the toiling millions of this country, as far as I am able, the burden that is now bearing them down and crushing and paralyzing the productive industries of the country. In evidence of my good faith in this direction at a very early day during the present session of Congress I introduced a bill, not knowing what would be done in the way of striking at poor clerks and tide-waiters, about the public Departments of the Government. I introduced a bill fixing the compensation of Senators and Members and Delegates of the House at \$3,600 a year, cutting off all mileage and other perquisites, because I believed the time had come when the interests of the country demand it, that men on the floor of this House should rise above mere groveling petty pecuniary and party considerations and put their shoulders, as far as they are able, under the burdens the people are laboring under, and help to bring about purity and reform. I say here now that if the members, not simply from the "rural districts" that we have heard so much about, but the members who come here from their palatial residences in cities cannot serve the Government for \$3,000 a year, the question should be relegated to their constituents and the opportunity afforded of sending men here actuated by patriotic influences who would be willing to serve for \$3,000 a year.

I say that for one, I am willing to serve here as long as I have any

desire to do so, and my constituents desire that I should serve, for \$3,000 a year.

I think, Mr. Chairman, that judgment should commence in the house of the Lord, and that economy should be practiced right here. It is too easy, Mr. Chairman, for us to offer up vicarious sacrifices. It was Artemus Ward, I believe, who was willing to sacrifice upon the altar of his bleeding country every one of his wife's relations. I want to see ourselves subjected to this test, to see whether or not there is patriotism enough here to bring our own salaries down to the sum of \$3,000 a year.

[Here the hammer fell.]

Mr. WHITE. I move to strike out the last word. Mr. Chairman, I also am in favor of retrenchment and reform; but it is not for gentlemen on the other side of the House to preach reform to us on this side of the House. I have never said anything in regard to that Belknap affair, but it has always occurred to me since that matter came before the House that it was very appropriate that the Chief Clerk of this House, Hon. Green Adams, against whom the suspicion of having pocketed some of the people's money exists, should carry the articles of impeachment over to the other wing of this Capitol against a man charged with stealing nothing from the United States Government, but from private individuals.

Now, sir, in regard to this bill it was stated the other day by the chairman of the Committee on Appropriations that he did not allow any "miserable man" to talk to him about his conscience. Whether he means to say that I was a miserable man, or that because he proposes to make this reduction I shall be a "miserable man," I do not know; but I will tell him that I am in favor of all reduction necessary for a proper and economical administration of the Government; I am in favor not only of striking \$500 off our salaries, but of striking off as much in proportion as we strike off from the clerks in the Departments.

I would like to refresh the gentleman's memory. When he a few years ago, speaking of this very salary-grab, said that he could not live here "with any sort of decency for less than \$7,500," does he propose to live in a sort of indecency now? [Laughter.]

A MEMBER. That costs more.

Mr. WHITE. It reminds me very much of a Jew merchant that I once heard of. He was trying to sell some of his goods to a country farmer. He told him he would sell him the article he was offering for \$20, and that that was 10 per cent. below cost. The farmer told him he did not wish to buy unless the merchant would take a fair remuneration, a fair profit. "O!" said he, "I will tell you how that is: These goods belong to a rich uncle of mine, and I'm trying to prafe him up!" When the republican party was in power you did not care how much we spent, for you were trying to break us up. Now you have the majority, and you are attempting to economize and reform. [Laughter, continuing for some time.]

The CHAIRMAN. The Chair must say to the galleries and to the members of the House that this applause must cease.

Mr. ATKINS. It was not applause, but laughter.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] has one minute and a quarter of his time remaining.

Mr. WHITE. I am of the opinion that not only Senators and Congressmen, but heads of Departments and their assistants and clerks, are overpaid; that nearly all the officials here in the city of Washington in the employ of the Government are overpaid. I mean by that, turn them out upon their resources and these same men cannot in any of the walks of private life obtain the salaries they are getting here; and as long as that is the fact there is room for reduction of salaries. I will join hands with the men on that side or on this side of the House to put these salaries down to prices in accordance with those paid for similar services in the private walks of life. [Here the hammer fell.] I withdraw my amendment to the amendment.

Mr. CHITTENDEN. I renew the amendment to the amendment. And I hope I shall have credit for speaking sincerely. I do not believe it is possible for any man living to determine to-day by what method this Government is to adjust its expenditures to its income for the next five years. I therefore stand here earnestly and conscientiously to approve of every possible measure of economy, because I believe the exigencies of the case require it. But I warn gentlemen that the people will judge our acts with discrimination.

This bill reduces the salaries of men and families in a great many cases below a point at which they can sustain themselves respectably. It does not reduce the salaries of members of this House and of the other House to the point of respectable living. I have been accustomed in better times to spend something more; but I can live here for the days that members of Congress on the average are required to serve for \$3,000 a year, and live respectably. I have been in Washington long enough to learn that. At any rate, I can live better than the clerk can live whose salary in 1856 was \$1,400 for the whole year, and which it is now proposed by this bill to reduce 10 per cent.

I suggest to the gentlemen of this committee that if they begin by indorsing these propositions in respect to their own pay, the country will sit in judgment on your inconsistency. You do not propose to treat your employes as you do yourselves, and the people of the country cannot be misled or deceived in regard to that matter. The case is plain on the face of it. You can see that the salary of the fourteen-hundred-dollar clerk was fixed when your salary was fixed at \$3,000

a year. And now look him in the face. That is what the country will do. You take 10 per cent. from his salary while you leave yours at \$4,500, 50 per cent. more than it was when his was fixed at \$1,400. Now, I do not see how you can go before the country and be sustained in that any more than the chairman of the Committee on Appropriations was sustained by his constituents when he claimed that \$7,500 a year was a fair compensation for a member of Congress. If we come here to make money, that amount is not more than a fair compensation; but if we come here to serve our country, then let us accept such sacrifices for ourselves as we require of Government employes. I desire to support this bill from beginning to end if I can consistently. I therefore support the amendment of the gentleman from Ohio. I withdraw the amendment to the amendment.

The committee arose informally to receive a

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insists upon its amendments disagreed to by the House to the bill (H. R. No. 2589) to supply the deficiency in the appropriation for certain Indians, and requests a conference with the House upon the disagreeing votes thereon, and have appointed Mr. WITHERS, Mr. ALLISON, and Mr. OGLESBY, the conferees on the part of the Senate.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire.

The message further announced that the Senate had passed, and requested the concurrence of the House, in a bill of the following title:

A bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut.

#### MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by U. S. GRANT, jr., one of his secretaries, announced that a bill of the following title, having been presented to the President on the 11th instant and not having been returned by him to the House within the ten days prescribed by the Constitution, had become a law without his signature:

An act (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session and the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HOAR. I renew the amendment to the amendment. I trust this House does not propose to repeat the pitiful spectacle which has been exhibited by former Congresses of the statesmen of this Republic spending a large portion of legislative time in wrangling about their own salaries. If there is anything in the political history of this country that I would give a hand to blot out, it is the debates and action on this subject of the pay of members of Congress which the last Congress and the Congress before the last exhibited to mankind.

I for one propose to vote against any change whatever in the salary of members of Congress; first, because I think it is a thing that ought not to be perpetually stirred for political purposes; and because, on the whole, I think the present salary is as near right as we can get it. From necessity the people have trusted us—the only class of public servants who have been trusted in that way—with the right to fix our own compensation; and when it has once been fixed and acquiesced in by the public, it is in my judgment best that we should let it alone and not be constantly exposing ourselves as men to the imputation of low personal motives in dealing with this subject.

I do not think the amount paid to the clerks or other civil officers of the Government has any sort of relation to this question. When we employ a clerk or other civil officer, he is employed for pay; and the proper rule or principle for determining what he shall receive is to inquire what, considering the state of the market, is the proper compensation or pay for such services in the business concerns of the country. So of the laborer. But the member of Congress is to receive, not pay; he is to receive an honorable maintenance, decent and moderate, while he is engaged in an honorable trust. There are very few lawyers in this House, very few business men; very few men of any class who will stand up and say that their pay for rendering their best services to anybody, year by year, is properly covered by the sum of \$5,000. A large portion of them can earn twice or thrice the sum. Our fathers, when they fixed the salary of the President at \$25,000 a year, fixed their own at a small per diem of, I think, \$6. Do you suppose that Alexander Hamilton and James Madison were fixing their "pay" at \$6 a day? They were looking to see what was simply an honorable and just maintenance—

[Here the hammer fell.]

Mr. HOAR. I wish I could be obliged with about two or three minutes more.

Mr. RANDALL. I rise to oppose the amendment; and I yield my five minutes to the gentleman from Massachusetts, [Mr. HOAR.]

Mr. HOAR. They were looking to see what was an honorable and just maintenance for the most distinguished and able men who could



be found in the several districts of this country, agreeing in political opinion with the majority of the people in those districts, who could be induced to serve the country in the exalted function of legislation. Now, I implore this House not to lay down for themselves or for their successors that exalted position and their personal relations to it.

I do not ask to be paid at the rate which we should be obliged to pay to a distinguished architect, to a distinguished civil engineer, to a distinguished lawyer, who might be called into the service of the country professionally on some great occasion; and, on the other side, I do not consent to have the compensation of a clerk, respectable and honorable as his compensation may be, brought into this debate as a measure of my own.

The people were dissatisfied when in a time of great public pressure Congress raised the compensation of its members and with the circumstances which attended that transaction. I entirely respect and honor the position of the gentleman from Pennsylvania [Mr. RANDALL] in saying, as he did recently, that he yielded his individual judgment in a matter where he was personally concerned to the general sense of the people and was desirous of retracing the step that had been taken. I sympathized very much with him too when, in reply to an inquiry of some one what he did with the money, he said somewhat indignantly that it was none of the questioner's business—a very good and proper answer, in my judgment.

I hope we shall not in considering this subject look to see whether somebody can go upon some stump where the question is not understood and say "I voted to cut down my compensation \$500, and Mr. Brown, running against me, voted to put his compensation up." I hope we shall look simply at this one question, is it expedient to be constantly debating and stirring this subject? Is it not best for the country and the dignity of this House to let it sleep as the people have let it sleep ever since the bill increasing congressional salaries was repealed?

On the other hand, is not the sum of \$5,000, under all the circumstances, a moderate, reasonable, and proper compensation? Is it more than that? Nobody outside finds any fault with it. You have a thousand calls upon you. You have to maintain a family in one place when the head of the family is in another place. To render this public service in the prime and vigor of your faculties you have to break up for years the business to which your life has been devoted. Taking all these things into consideration the people are satisfied that the salary of \$5,000 a year shall continue, if you will only let the question alone and not repeat the disgraceful exhibition of legislators and statesmen of the American people taking up hours and days and weeks of the public time in wrangling over this pitiful question of their own pay.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, the difficulty we found ourselves in was this: that, if we reduced other salaries and did not reduce our own, we would be directly chargeable with inconsistency; and, while I have great respect for the views of the gentleman from Massachusetts, [Mr. HOAR,] yet his argument really would go to show that we ought not to reduce any salaries 10 per cent. It seemed to us there was but one safe, firm ground on which we could stand.

Mr. HOAR. Will the gentleman allow me to state my point again? When you hire a clerk, you look to see for how much you can hire in the market an honorable and faithful clerk, and you grade his pay in that way. When you fix the pay of Congressmen you inquire what is the measure of a decent and honorable maintenance for the families and for the statesmen who are called to pass laws for the American people. The two have no sort of connection.

Mr. RANDALL. Mr. Chairman, we could not rest without touching our own salaries. Such, at least, was the judgment of the committee.

A word or two now as to the clerks, about whom so much has been said. We do not touch the salary of any clerk at \$1,200 and under. We did reduce those above that figure the percentage which has been indicated. In so doing we took into consideration the large reduction of price in all the necessities of life. It cannot be denied there has been very material reduction in the price of cotton goods, potatoes, bread, and the like.

This House a day or two ago, as an offset to the reduction provided for in this bill, passed an act prohibiting hereafter enforced contributions from clerks in the various Departments for political purposes. The practical result of that will be a saving to that extent to all these employes of the Government, while at the same time, in my judgment, it will be the breaking up of a vicious system of getting from the Treasury of the United States, not directly it is true, but nevertheless getting from the Treasury of the United States money by enforced contributions from employes to carry on elections. It comes right down to this: That while we give these clerks the salary provided for in this bill at the same time it has been provided they shall not be compelled to contribute a certain percentage of their salary for political purposes.

Mr. HARRISON. Mr. Chairman, I oppose the amendment, but at the same time wish to say something as to the propriety of reducing our own salaries. It is not a question whether \$5,000 or \$4,500 is enough for us. We have gone before the country and demanded that retrenchment should be made. We cannot reach every man in the country to explain this or that particularly to him. We must go to them and show that we have laid down a rule, and have cut down

our own salaries in the same proportion that we have cut down the salaries of others. That certainly will be demanded of us.

I am not speaking now for the sake of pleasing them, but the question will be asked, if members of Congress could change their own salaries, why did they cut down the salaries of all other employes of the Government from 10 to 20 per cent. and yet at the same time did not touch their own? We have said that the interest of the country demanded retrenchment, and we say so now, and the people will ask, such being the case, why did you not cut down your own salaries? No, sir, we cannot go before the people and satisfy them unless we show a disposition by our act here to reduce our own salaries 10 per cent. for the common good of the country. I hope, however, it will not be attempted to make the salaries so little that we cannot support ourselves. Nevertheless, let us give something of our own pay to go into the coffers of the nation, and that far help to release the people from the debt under which by heavy taxation they now labor.

Mr. CASWELL. I move to strike out the last word of the paragraph.

Mr. Chairman, I rise more particularly to say a word in reference to the charge of insincerity made by the gentleman from Pennsylvania [Mr. RANDALL] against the gentleman from Ohio in offering his amendment. That charge, no doubt, would be quite as applicable to a large portion of this side of the House, for we are all supporting it. In my judgment, this bill as it stands is a compilation of inconsistencies and of insincerities. We have just as good right to express that opinion as he has, that any of us are insincere in supporting the pending amendment. Now as to the proof. We are pretty well informed here that a short time ago the gentleman from Pennsylvania advocated on this floor, and I cannot think he would advocate a measure he did not then believe in, that a salary of \$7,500 was a sum not too large for a member of Congress. And, sir, I am inclined to believe, I am forced to the belief, that when he placed in this bill the sum of \$4,500 as a compensation for a member it must have been against his judgment; but he justifies himself on the ground that the people called him to an account and drove him from his position. Let me say, sir, that the people will see through this scheme, and will demand of the Committee on Appropriations, if we place our hands upon the salaries of the employes and clerks in the various Departments, and the heads of the Bureaus, that we also be consistent and sincere and place our salaries where they were in 1854, at the time these salaries were fixed, and then deduct therefrom the regular percentage. I say the people will see through this scheme, and will demand reduction of our own salaries as then fixed if we reduce the salaries of the employes in the various branches of the Government.

It is well known, Mr. Chairman, that the ability and the assistants which we desire to draw from the people and place at the head of Bureaus and in other positions under the Government cannot be obtained if we reduce these salaries. The compensation is already too small in many instances for that grade of talent we desire to secure. If we cut them down we must expect the character of service will retrograde and be inefficiently performed.

Mr. BLOUNT. I will be frank enough to say that in a great many features of this bill when they were under consideration in the committee, I did not concur at the time. They were adopted by the committee, and after the bill was completed, as I understand it, we agreed upon it, or a majority of the committee agreed upon it as the best thing that could be done. It was announced, and gentlemen seem to be continually recurring to that, by the chairman of the committee that the purpose of the committee was to reduce 10 per cent. in salaries and 20 per cent. in number. That was true as understood by the chairman at that time. We so understood it when we entered upon this bill. But when we began to take up the details, we began to find day after day that it was impossible to follow that rule; and therefore we went into each Department, considered it carefully, and arrived at the conclusions contained in this bill.

In the Post-Office Department our reductions have been very much less than they have been in any other direction. The gentleman from Iowa [Mr. KASSON] complains of what was done in the Sixth Auditor's Office. I may state to him that the Sixth Auditor himself is entirely content with what has been done in that Bureau. That we should commit errors is not unnatural; but I venture to say that any man will concede that a committee taking up all the details in this bill, examining it carefully, having all the several Departments before them, receiving their views and considering them, are much more likely to arrive at correct conclusions than this House.

Mr. KASSON. Will the gentleman allow me to say that I did not complain of the arrangements for the Sixth Auditor's Office? I only referred to that as one of the Offices whose business had been increased. I had not examined what the committee had done.

Mr. BLOUNT. I will say that although the business has increased there to a greater extent perhaps than in any other Bureau, we have made reductions there and they are entirely satisfactory to the Sixth Auditor.

Mr. FOSTER. The gentleman from Georgia does not want to mislead the House—

Mr. BLOUNT. Of course not.

Mr. FOSTER. Then I wish the House to understand that amendments have been made by the committee since this bill was reported, which are satisfactory to the Sixth Auditor.

Mr. BLOUNT. I do not so remember it. But let that be as it may,

it fully illustrates the fact that this committee, instead of doing what is charged upon them, of making an assault upon all the Departments of the Government for political effect, when proper and reasonable amendments have been proposed by the Departments have assented to them. And it comes with an ill grace from the gentleman of the committee who corrects me on that point to speak of the inconsistency of the democratic House.

Now, Mr. Chairman, in regard to the question before the House, the reduction of our salaries. I will not undertake to argue whether or not that reduction is right or wrong. But I do say, sir, that it is apparent to the country that there is a reduction of at least \$5,000,000, and if this House shall ever accomplish that reduction gentlemen will in vain stand there and turn to the chairman of the committee and quote his speeches. They will in vain stand there and talk about your rules. What the country cares about is what we accomplish, and the country will understand such proceedings on the part of those gentlemen as a piece of deception. I expected this attack upon this very clause, by some perhaps from honest, and by some from insincere motives.

I heard, sir, at the outset, almost as soon as this was agreed upon, floating through the Capitol that as soon as the bill reached the Senate the salary of a member of Congress would be reduced to \$7 or \$8 a day. I have heard all through the House predictions of the failure of this bill. Sir, if there be any failure I undertake to say the responsibility of it will not be over here, and that this side of the House will have no explanations to make to the country. I admit that there may be errors in the bill. It is natural there should be. But there is a great good to be accomplished by the bill and the country will see it.

Mr. KASSON. I move to strike out the last word of the pending amendment.

I did not understand the gentleman from Georgia [Mr. BLOUNT] to say that in addition to the fact that the arrangements in regard to the Sixth Auditor's Office have been made satisfactory upon consultation with that officer, the proposition for the Post-Office Department was satisfactory to the officers of that Department. I wish he would state whether that is satisfactory to that Department.

Mr. BLOUNT. Will the gentleman allow me to answer him?

Mr. KASSON. Certainly. I asked the question for information.

Mr. BLOUNT. I desire, then, to say to the gentleman—

Mr. KASSON. At the same time I beg the gentleman not to take up my time beyond answering the question I have addressed to him.

Mr. BLOUNT. I want to answer it in my own way.

Mr. KASSON. Then he must excuse me. I put the question with a *bona fide* desire for information.

Mr. BLOUNT. You will get it *bona fide* if you let me give it to you in my own way.

Mr. RANDALL. I will give the gentleman a direct answer if he will permit me. The Post-Office Department has assented to the amendments of the committee with very slight modifications, the amount of money involved in the difference being less than \$10,000.

Mr. KASSON. I observe from the printed statement which the committee has submitted that the estimate calls for three hundred and seventy-five in number and the bill allows two hundred and ninety-eight. And I understood the gentleman from Georgia to say, in view of what I had stated about that Department and its increasing business, that there was but a slight reduction made there—

Mr. BLOUNT. Not at all.

Mr. KASSON. And in pursuance of the plan which I presented to myself of getting at the honest needs of the Government and nothing else, I made the inquiry I did, and I regret that the gentleman from Georgia did not meet me in that spirit.

I consider this a clear reduction of the horizontal rate suggested by the committee. If I have misunderstood it I am anxious to be corrected, but that is what I find in the printed statement which I understand comes from the Committee on Appropriations. I do not now understand the chairman of the Committee on Appropriations to say that the Postmaster-General says he can discharge the duties of his Department with this large decrease of clerks. If he does say so I accept the statement with perfect sincerity, but I do not so understand.

Mr. RANDALL. As I understand, the Postmaster-General is satisfied with this bill if we will increase the number of clerks four and the number of laborers five.

Mr. KASSON. If the gentleman's information comes from the Postmaster-General, and if he says that, I am satisfied. My information, however, is different. But I accept whatever the gentleman states of his own knowledge.

Mr. RANDALL. That was my understanding with the Postmaster-General, but if the gentleman has had any subsequent conversation with the Postmaster-General I cannot contradict any statement he makes about it; but I desire to say that we fixed upon this number of employees after the fullest conference with the Postmaster-General, who was repeatedly before the committee.

Mr. KASSON. But not, I understand, with his concurrence.

While I am up, allow me to say that I trust that this discussion may go on in the spirit indicated by the gentleman from Massachusetts [Mr. HOAR] in his colloquy with the gentleman from Pennsylvania. I assure the gentlemen opposite that this side of the House does not want one clerk retained whose removal does not interfere

with the prompt transaction of the public business. But I do also know that in some of the Departments to-day, with all the force they have now, there is much delay in getting business through without taking it up out of its regular order. This is the case in the Pension Office, in the Post-Office Department, and in some other offices.

[Here the hammer fell.]

Mr. HILL. I wish to say, Mr. Chairman, that I desire at the proper time—and I say it now because it may affect the vote on the pending motion of the gentleman from Ohio, [Mr. FOSTER]—to move to strike out the words "30th day of June" and insert the words "3d day of March."

The reason for this is that I have always thought that there was great force in the remark made by Mr. Madison when this same question was before the convention that framed the Constitution, and that was that he regarded it as a very indecent thing for members of Congress to be voting their own compensation. That was when the question of framing the Constitution was before the convention and there were several propositions in relation to the pay of Senators and members of Congress before it. I have always believed that the proposition then before the convention that Senators and members of the House should be compensated by the several States was the proper method, for several reasons. It has since been judicially determined that Senators and members of Congress are not officers of the Federal Government, but officers of the States. I wish to remove as far as possible what Mr. Madison regarded as an indecent thing, and that is, members voting their own compensation; and I think now is a good time to set a precedent.

I concede that on several occasions members of Congress have voted their own compensation, but I have always thought it was a bad precedent. It was necessary, of course, in the First Congress, because there had been none preceding it, to fix the compensation; it has never been necessary since, and I think what was called popularly "the salary grab" in the last Congress would have lost much of its power if it had not applied to the Congress then in session; and it is according to the analogy of our laws that we should let our legislation have a prospective operation. Members are elected to a certain Congress with their pay fixed by law. I think it should not be increased or diminished so as to affect that Congress. I think this Congress ought to set that example, and whether they fix the compensation at \$2,700, or \$3,000, or \$5,000, or at \$8 a day, let it take effect with the next Congress. Let this Congress remove from itself the scandal, as Mr. Madison justly called it, of voting its own pay. On that question I concur in the remarks made by the gentleman from Massachusetts, [Mr. HOAR.] This arrangement may not be a perfect one, because one-third of the Senate retire on the 4th of March, but at least no member of this House, if this rule is adopted, will ever be voting on his own salary; and if the people choose to send him back here after the compensation is fixed for the next Congress, let them do so.

Mr. KASSON. Does the gentleman think it unsafe to allow Congress to reduce its pay? I know it is unsafe to allow them to increase it.

Mr. HILL. I wish to establish a rule now, so that the future Congresses may not reduce or increase their pay. Of course it is more proper to reduce it than to increase it.

Mr. KASSON. In some of the States the constitution admits of a decrease but forbids an increase.

Mr. RANDALL. In reply to the gentleman from Georgia, I wish to remind him of this fact: that we have already appropriated money at the last session of the last Congress for the fiscal year which ends June 30. This bill provides for the compensation of members of Congress and all other persons commencing from the 1st of July next, and therefore we must of necessity conform to that date.

Mr. HILL. Does this same bill reduce the pay of the President during his term?

Mr. RANDALL. No; the Constitution does not permit that.

Mr. HILL. After the 4th of March next?

Mr. RANDALL. We do not reduce the salary of the President of the United States who now occupies the place, because the Constitution of the United States would not permit that.

Mr. HILL. Why not do the same thing here, and not reduce the compensation of the present members of Congress until that time?

Mr. RANDALL. Because the money for the payment of the salary of the President of the United States from the 30th of June to the 4th of March next is already by law provided for.

Mr. HILL. Cannot you by changing the provisions of this bill make the same arrangement with regard to members of Congress?

Mr. FOSTER. I want to make a suggestion to the chairman of the Committee on Appropriations, [Mr. RANDALL.] If he will allow a vote to be taken on my amendment in the House by yeas and nays, I will not press it now.

Mr. RANDALL. At this early stage of the consideration of this bill I cannot agree to make any arrangement out of the order of the usual rule.

Mr. FOSTER. There is no rule on that subject.

Mr. RANDALL. Well, the usual practice, if you please.

Mr. DOUGLAS. If the pending amendment is divisible, I ask to have a vote taken separately upon striking out the sum named, so as to leave a blank to be afterward filled.

Mr. FOSTER. The chairman has a right to yield to me in the House to offer my amendment.



Mr. RANDALL. I am not so instructed by the committee. I will vote for it.

Mr. TOWNSEND, of New York. I move to strike out the last ten words of this paragraph. I have no hesitation in declaring myself opposed to the amendment of the gentleman from Ohio, [Mr. FOSTER,] and I have no hesitation in declaring myself opposed to the proposition of the Committee on Appropriations. I came to this House under a substantial contract between me and the people of the United States that, if I would leave my business, in which I labored diligently for a long life, and come to Washington and act in the position of a Representative in this House, I should be paid \$5,000 a year. And I am unwilling to allow any set of persons, I do not care if they be my associates here, to practice a repudiation of that contract upon me. [Laughter.] I am talking personally about the matter. My constituents believed that my services in this House of Representatives would be worth the sum provided by law to be paid to me, and it was for that reason that they elected me. I am boasting not one word over any other gentleman in this House when I say that, for I believe it was the opinion of the people of every other district in the United States that the men they elected as Representatives were worth, or are probably worth, to the people of this country the sum that was proposed to be paid to them.

Now, we have one of two things to do in this matter; we must say that nobody but rich men shall represent the people of the United States in Congress or men who are willing to steal, or we must furnish a reasonable provision for the support of men who leave their farms, their merchandise, their professional business, to come here for the time being to look after the interests of the country. Now I do not believe that the people of this country desire to give over their destinies to the professional politicians or to the rich men of the country. I have no quarrel with the rich men; I wish I were rich too. But it is not the wish of the people of this country that none but rich men shall come here. If my people do not want to pay me a reasonable provision for the support of myself and my family, they certainly will not send me here.

I have nothing to say about the remainder of this bill. I rose to a question of personal privilege, [laughter;] I rose to speak in regard to what every gentleman of this House knows to be strictly true, that the salary now paid him is not too much; that that amount of salary is necessary to every man who does not live out of his private fortune or some plunder of the Treasury, or post-tradership, or some railroad company; and there is not enough of those to go round. [Great laughter.] If we are to live at all respectably, to settle with our boarding-house-keepers and our washer-women, we will never reduce our salaries. I withdraw my amendment.

The question was then taken upon the amendment by Mr. FOSTER to fix the salary of Senators at \$2,700 a year, and it was not agreed to upon a division—ayes 24, noes not counted.

Mr. HOSKINS. I move to amend by striking out the fourteenth line in relation to mileage of Senators and to insert what I now send to the Clerk's desk.

Mr. HILL. I have indicated an amendment to the paragraph now under consideration. I move to amend by striking out the words "30th of June" and inserting in lieu thereof the words "3d of March." It will then read, "From and after the 3d of March next the compensation," &c. I desire to say in support of my amendment that I do not think the criticism of the gentleman from Pennsylvania [Mr. RANDALL] touches the question at all. If you can say, as this bill now does, that this reduction of our salaries shall take effect from and after the 30th of June, you can fix any date you please. If the total appropriation named in this paragraph is too much or too little, by reason of my amendment, you can change it.

Mr. ATKINS. The language which the gentleman proposes to strike out belongs to the whole bill, not simply to that paragraph.

Mr. HILL. I do not so understand it.

Mr. ATKINS. Read it.

Mr. HILL. The provision is:

From and after the 30th of June next the compensation of said Senators shall be \$4,500 per annum.

Mr. ATKINS. That is the only place in the bill where the date is fixed.

Mr. HOLMAN. The gentleman from Georgia [Mr. HILL] is right.

Mr. HILL. I know I am right.

Mr. ATKINS. I believe I was mistaken.

Mr. HILL. I think we ought to set this precedent.

Mr. HOAR. I rise to a parliamentary inquiry. I desire to have the Chair state what is the pending proposition.

The CHAIRMAN. The pending proposition is the amendment proposed by the gentleman from Georgia, [Mr. HILL,] which will be read by the Clerk.

The Clerk read as follows:

In lines 11 and 12 of the printed bill strike out the words "30th of June" and insert, in lieu thereof, "3d of March;" so that it will read: "From and after the 3d of March next the compensation of said Senators shall be \$4,500 per annum."

Mr. HILL. Mr. Chairman, I think it very important for this House to establish the precedent which I insist is involved in this amendment. It is more important than the question of reduction or increase of any salary. Let this House for the first time set the precedent and thereby if possible establish it is a principle, that members shall not

on any occasion vote on their own salaries. Let them vote if they choose upon the salaries of future Congresses, but not upon their own. It is an "indecent thing," and I think the practice ought always to have been what I am now advocating. I regret that it has not been the practice heretofore. If it had been the practice we should have been saved a great deal of unnecessary scandal a few years ago. I therefore insist upon the amendment.

Mr. O'BRIEN. Mr. Chairman, one of the principal objections to the amendment urged by the gentleman from Georgia [Mr. HILL]—and I think it is entitled to great weight in determining the votes of members—is that it will be time enough at the next session of Congress to decide what shall be the pay of the Forty-fifth Congress, whether it be increased or diminished. It is not worth while now, in the first session of the Forty-fourth Congress, for us to interfere, in the way of decrease or increase, with the pay of the next Congress. It may very well be, as my friends around here tell me, that at the next session members will have been elected to the Forty-fifth Congress, but the new term will not commence before the 3d of March, 1877, and before that time there will have been an intervening session of Congress.

But, Mr. Chairman, that does not concern particularly the primary motive which induced me to rise here. I do not care specially whether this amendment fails or prevails. My principal motive is, before I conclude, to submit another amendment (if it be in order) which has already been spoken to but which has not yet been offered; it is that the compensation of members of this Congress, and so far as we can arrange it of all future Congresses, shall be the sum now fixed by law—\$5,000. I do not consider that either consistency, propriety, duty, or public sentiment demands that we shall make any change whatever in regard to our present compensation. I trust the CONGRESSIONAL RECORD will never again be discredited or disgraced by any such unseemly debate as that which characterized the Forty-second Congress, and which was renewed, as an inglorious legacy, in the Forty-third Congress. In this respect I concur in the expression which fell from the gentleman from Massachusetts, [Mr. HOAR.]

I think, sir, that the salary of \$5,000 a year, which was substituted for the salary of \$7,500 fixed in the Forty-second Congress, was determined in obedience to public sentiment. A salary of \$5,000 is in accordance with the will of the people; and I challenge my friend from Pennsylvania, [Mr. RANDALL,] I challenge my friend from Indiana, [Mr. HOLMAN,] I challenge any member of the Committee on Appropriations to refer me to the action of any convention, any Legislature, any public body or popular assembly, asking that that salary be repealed or interfered with. If we are here to legislate in obedience to the will of the people, I ask where will you find the record or expression of any public sentiment which justifies us in interfering with a salary which was fixed for this Congress by a Congress which preceded it. If the argument of the gentleman from Georgia [Mr. HILL] is right, then as the Forty-third Congress has fixed our salary, it is unseemly and indecent for this Congress to interfere with that salary either by increase or decrease.

Mr. Chairman, if I had the time I think I could demonstrate to this House that there is no public sentiment anywhere throughout the country, expressed within the last nine months, which demands of us the wholesale reduction and retrenchment embraced in this bill. I approve of these reductions in part; there may be here and there a salary that ought to be diminished or an office that should be altogether abolished. But I say there is nothing emanating from the public press or included in those party shibboleths "retrenchment, economy, and reform" which will justify the attempt made, I fear, in this bill to cripple the Government itself. I do not pretend to say that the democratic majority in this House or the democratic members on the Committee on Appropriations mean anything of that character. I do not profess to believe that they would for a moment be willing to make it even possible that such a thing should occur. But if I am to believe the language conveyed to me in writing by officers of this Government as high as the Secretary of the Treasury himself, speaking with reference to the details of his own office, its needs and requirements, then I am here to say that it is alleged this bill will interfere with the ordinary routine of the Government, and will to a certain extent embarrass the general business of the Department.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, is an amendment in order?

The CHAIRMAN. An amendment to the amendment of the gentleman from Georgia [Mr. HILL] would be in order.

Mr. KELLEY. I move to amend by striking out—

Mr. O'BRIEN. Will not the gentleman yield for a moment until I have stated the proposition I intended to move by way of amendment?

Mr. KELLEY. I presume I am going to make about the same motion that the gentleman would make.

Mr. O'BRIEN. I wish to move an amendment restoring the pay to \$5,000.

Mr. KELLEY. I was about to move to strike out in the twelfth and thirteenth lines the words "\$4,500" and insert "\$5,000."

Mr. HOAR. I propose when these various amendments of detail have been voted upon, to move to strike out the paragraph.

Mr. KELLEY. I am glad to know that my friend from Maryland anticipated me in what I think so proper an amendment as that the salary should remain at the sum now fixed by law. I have not par-

ticipated in the general debate on this bill. There is much in it that I approve and much more that I disapprove. I am in favor of reducing the clerical and all other force in the several Departments of the Government as much as can be done consistently with the maintenance of their efficiency. And wherever it can be shown there is a clerk or other employé who is supernumerary, whose place is a sinecure, or whose duties might be performed by another without being burdensome, I say I shall gladly vote for such a reduction.

I do not believe, sir, the sentiment of the country demands the reduction of officials suggested by this bill. I do believe it proposes a reduction of force which would be disastrous to the service. I need go no further than to the Clerk's office for an illustration of that fact. Politically the question belongs to the other side. The Clerk is a democrat, chosen by the majority of this House; his appointees are all of the same party, and I do not complain of it. Had my party elected the Clerk all of them would have been republicans.

A MEMBER. Not so.

Mr. KELLEY. I think so; at least they would have professed to be republicans while holding an office. [Laughter.] Therefore I had no quarrel with the political character of the incumbents. It is not my question politically, but I do not believe that the number of employes left would effectively perform the duties of the office. I do believe the pay assigned to them is utterly inadequate and will only be accepted for the present in view of the present terrible depression private business is now suffering and the difficulty of finding employment. Were business in its normal condition, men fit to fill those places could not be found at these salaries, perhaps, unless it was with the assurance there were perquisites.

Now, I want to pay the employes of the Government fair and honest salaries and hold them to strict accountability. No man can bring his family here, to turn to the case of Senators and Representatives, no man can bring his family here and maintain them as they should be maintained on \$5,000 a year. No man who is deserving of the name of lawyer—there may be some members of the bar who are not much of lawyers who could not probably earn \$5,000 a year—no lawyer in full practice, who does not lay down \$5,000 a year for the honor of holding this office, the office of Senator or member. I do not believe the American people desire such pay to be put where poor men cannot fill the place, let their fitness be what it may, or that men shall come here to live in garrets, or to absent themselves from their families to poach on the domains of others.

The American people love money. They love the excitement of gaining, but they spend and part with it by gift more lavishly than any other people. Look at our private benevolences, our schools, our churches, &c. They attest the little regard our people attach to the mere possession of money. There is something they pride themselves much more in than the retention of dollars and cents. It is the honor of their country. It is that they may stand well in the eyes of each other and of the world; and I should regard this bill as a reproach upon the people in that behalf—

[Here the hammer fell.]

The CHAIRMAN. The Chair will say to the gentleman from Pennsylvania that, properly speaking, his amendment is not an amendment to the amendment of the gentleman from Georgia, as one has reference to time and the other to the sum.

Mr. KELLEY. Very well; I will get five minutes more on it when I submit it in order.

Mr. RANDALL. I hope not.

Mr. SINGLETON. As a matter of course it could not be expected—

Mr. KELLEY. I wish to say that I have accepted the amendment as proposed by my friend from Maryland, and am willing it should be pending in that way, and we will discuss it when the time comes.

Mr. SINGLETON. Mr. Chairman, as a matter of course it could not be expected that any gentleman upon this floor in a five minutes' speech could say much that would throw light upon so grave a question as we have under consideration. As a member of the Committee on Appropriations I deem it my duty to say when we came to the consideration of this bill there was no question of politics introduced. The question whether a man belonged to one party or another when we came to deal with his salary was never mentioned. Therefore to give this measure a political aspect is doing us injustice.

The purpose of the committee was in the first place to inquire whether the necessities of the country demanded there should be retrenchment of expenses in the various Departments. That was the first inquiry. I need not argue that proposition, for every member on this floor knows there is a pressing demand, one we cannot avoid, for the curtailment of expenditures in every quarter where it can be done.

The next question was, can we make this reduction without injury to the public service? We believed that that could be done. We differed somewhat as to the details, as to the manner in which it should be done, as to where we should apply the knife and where we should not. But it was agreed upon all hands that we could make this reduction without impairing the public service. The question arose how was this to be done, and after some discussion we adopted what was called the 10 per cent. rule; not as the gentleman from Ohio asserts to be departed from in no instance, to be adhered to in every case, but as a general rule, from which we might depart whenever we found it necessary. Well, sir, in the course of our investigations we found some of the salaries of these officers raised to such an

extent that, in order to bring them down to accord with others who were rendering like services, it was necessary we should reduce them more than 10 per cent. Hence it is you find that the 10 per cent. rule is not adhered to in every case. It was not adopted as an invariable rule, it was not intended to be such, and we have not in all cases followed it for the reasons I have explained.

Gentlemen dwell with peculiar emphasis upon the salaries of members of Congress. As long as the amendments offered looked to a reduction of these salaries below the pay proposed by the bill of the committee, I did not think it proper to say one word, but now, when it is proposed to raise the amounts above what was provided for in the bill, I feel it my duty to stand by the report of the committee. I contend that \$4,500 is ample pay and ought to be satisfactory to every member of the House, and that the amendment of the gentleman from Maryland raising it to \$5,000 ought not to be adopted. I cannot sympathize with the gentlemen on the other side of the House, who seem to think that because they cannot get \$5,000 they must reduce the amount to \$2,700. If, as they contend, their services are worth \$5,000, and they cannot get that amount because of a difference of opinion among us, then let them take the next best thing attainable and be content with the \$4,500. In doing so we subject ourselves to the 10 per cent. rule, and will not be criticised as we would be if we applied that rule to others and yet dodged it ourselves. If we had reported a bill reducing the salaries of all the clerks and employes and not our own, what would have been said on the other side of the House? I know very well what would then have been the line of argument. It would have been said you have reduced the salaries of others but have left your own intact. The republicans have made resistance to every bill which the committee have reported. We have not been able to please them in any of the appropriation bills upon which we have been called to act. They have met them with proposed amendments which they believed would clog and embarrass the bills as to have the effect to ultimately destroy them. I hope this side of the House will take cognizance of these facts and not be led off by these amendments.

I do not pretend to say that the Committee on Appropriations has all the wisdom of this House. We do not know anything of these matters more than others except so far as they have been brought specially to our attention. We have communicated with the Departments; have had the heads of Bureaus before us with books, maps, and estimates; have collected and collated all the facts in our reach, and have endeavored honestly to discharge our duty with a view to the public interests of the country and justice to individuals. We therefore claim that this House should stand by the committee, that you should accept the report which it has made and adopt it with perhaps some slight amendments; but to undertake at the outset of this discussion to deal with this bill, as some gentlemen on the other side of the House propose to do, is to effectually destroy it.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia, [Mr. HILL,] to which the gentleman from Pennsylvania [Mr. KELLEY] proposed an amendment not properly germane. The Chair will withhold putting the question on the last amendment until the first, that of the gentleman from Georgia, is disposed of.

Mr. JENKS. I rise really to oppose the amendment of the gentleman from Pennsylvania, and in order to do so I move an amendment to that amendment by striking out the last word in it.

The CHAIRMAN. The Chair desires to state to the gentleman that that amendment is not pending.

Mr. JENKS. Very well; I move to strike out the last word in the amendment of the gentleman from Georgia.

The ground upon which I am in favor of this reduction of salaries and opposed to the amendment of the gentleman from Pennsylvania [Mr. KELLEY] is somewhat different from any I have heard stated. It is not for any partisan purpose that we ought to reduce or to increase these salaries one cent. We ought to do it on some other ground than that. And it is not a strictly proper question whether the people have demanded it at our hands or whether they have not, because we ourselves are a part of the people, and it as much our duty to speak as it is theirs; and it is in order that we may speak to the people with propriety that I would insist on this reduction of salaries.

After the failure of the great banking house of Jay Cooke & Co., in the fall of 1873, business depression spread all over the land, and from that time till this moment we feel that depression growing heavier and heavier. By that we were first brought fully into view of this fact, that the people, individually and collectively, were living too extravagantly; that we were spending more than we ought to do. It has happened to us in appearing before the people to speak to them time and again on this subject, and we have said to them, "It is your duty to reduce your expenses; it is your duty to forego every extravagance, and to cease to indulge in many luxuries in which you have hitherto indulged." But in order that we may speak to them with force, it is necessary that we should here speak to them, and say that we ourselves propose to forego something in the way of luxuries. If we merely stand here and say we expect you to give up some of your luxuries, while we leave our salaries untouched, they would not believe that we were speaking in honest good faith. But if we say to them we ask you to forego luxuries, let us make some reduction ourselves, and indicate that we desire all to forego luxuries, collectively and individually, so that this depression which has been spread over the nation by extravagance shall cease to exist.



Sir, it is in this view that I trust there will be a reduction in our own salaries to establish the principle and to show our *bona fide* teaching to the people that they must cease to be extravagant if they ever expect to recover from financial distress. We can extricate ourselves from it only by recognizing the fact that we have been spending too much. Whenever a manufacturer ceases to be able to pay what he has heretofore paid, he either reduces the salaries of his employes or reduces the number of his employes. Now, when this Government is placed in the same position, it is our duty to recognize the commonplace business principles of reducing our expenditures.

Sir, I do not regard this question from any political aspect, but we cannot speak to the American people with more good sense and more effectually than by saying, stop your luxuries and extravagance; and we cannot do that better than by first reducing our own salaries.

[Here the hammer fell.]

The question was on Mr. HILL's amendment.

Mr. RANDALL. I want to say a word.

The CHAIRMAN. Debate has been exhausted on the amendment.

Mr. RANDALL. That amendment would change the date of the entire bill.

The question was taken on the amendment; and on a division there were—ayes 84, noes 99.

Mr. KELLEY called for tellers.

Tellers were ordered; and Mr. HILL and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 75, noes 81.

So the amendment was not agreed to.

The question recurred on the amendment offered by Mr. O'BRIEN and accepted by Mr. KELLEY, in lines 12 and 13 to strike out the words "\$4,500" and insert in lieu thereof "\$5,000."

Mr. HOLMAN. The amendment is not subject to the point of order, I admit, for it does not change the existing law. In the interest of economy I wish to say a word against this amendment.

Mr. Chairman, I trust the committee will not adopt this amendment. If it is adopted, of course gentlemen understand that it is the abandonment of every retrenchment aimed at in this bill. The gentleman from Pennsylvania [Mr. KELLEY] must know that in proposing to restore the salary by the provision of this bill to what it is now, he renders a reduction of salaries absolutely impossible, and neither he nor any other gentleman on either side of the House can consistently with his own sense of honor favor a reduction of any other salary unless the salaries of members of the House shall be reduced. I believe, sir, that it would be my duty, as a member of the Committee on Appropriations, to stand by this bill in this respect if the House, with the bill framed as it is, should conclude to accept that provision; but I learn from the arguments of gentlemen that inasmuch as the salaries of Senators and members of the House are reduced 10 per cent. and the salaries of other employes of the Government are reduced from 10 to 20 per cent., they will therefore use the failure in reducing the salaries of members to a corresponding extent as an excuse for opposition to the bill.

I have this appeal to make to the House, (I do not desire to make it to one side or the other, but to the House:) if it is intended that there shall be retrenchment in the expenditures of the Government, that they will not leave ground on which any gentleman can stand, a bulwark behind which they can intrench themselves in opposing every reduction of salaries proposed by this bill, I say to the gentleman from Pennsylvania, and I do it in no spirit of appeal to any prejudice here or elsewhere, that in my judgment the salary of a member of Congress as now fixed by law is disproportionately high as compared with the salaries of employes of the Government in general, and especially as compared to the compensation paid for public services in the various States of this Union. And further, in a Government like ours, where frugality and simplicity of manners are the custom and can alone be in harmony with the idea of free institutions, I insist that high salaries tend to destroy that simplicity which comports well with a government like ours.

These gentlemen say that we cannot live respectably in this capital for a less salary than \$5,000 a year. I am certain that the salary is too high. I desire to say only in the presence of this House, and nowhere else, that this salary is too high. We lived through the war on a salary of \$3,000, and animated as men were then by a spirit of patriotism, I never heard a gentleman on this floor complain of the salary when the expenses of living were almost twice what they are now. I heard no complaints then of the salary being insufficient; and if gentlemen could live in this capital with a family and live respectably, so that he would be glad to see any portion of his constituents when they came to this capital, at an expenditure of \$200 or \$250 a month, why a gentleman can certainly live very comfortably now with an ordinary family for from \$100 to \$150 per month, even during the session of Congress, without reference to that considerable period of his congressional term during which members are subject to their own control, to avoid expenditures and attend to their own affairs. I insist that the proposition that we should fix the salary at \$3,600 a year would far better comport with the general salaries paid by the Government, and especially with the salaries paid by the States to their officers, than a salary of \$5,000 a year; and I would be glad to see the House adopt that amendment.

Mr. BAKER, of Indiana. Will my colleague allow me to ask him a question?

Mr. HOLMAN. My friend must see that I have got but a moment left. With the salary of members of Congress reduced, what gentleman, even though pressed by his clerical friends in the Departments—and I know that our friends on the other side of the House are so embarrassed—would feel any embarrassment at all in voting for the reduction of salaries.

But as it is now, unless we reduce our own salaries to compare somewhat with the reductions made in other salaries, gentlemen may well intrench themselves behind that fact and resist all reduction of salaries. No, no, Mr. Chairman, if this House, in view of the pressure upon us for economy, greater than at the period when our salaries were \$3,000 a year, and the expense of living in this capital nearly twice what it is now—if this House will rise to the demands of the occasion, when public burdens are felt oppressively by all the industries of the country, when multitudes of the people are unemployed, when reduction of the expenditures of the Government is a thing imperative, if we reduce our own salaries now to the respectable sum of \$3,600—ay, a respectable salary, I say, for any gentleman in public or private employment—that would give an assurance to the country that there will be a permanent reduction in the expenditures of the Government.

[Here the hammer fell.]

Mr. BAKER, of Indiana. Will the gentleman answer a question?

Mr. HOLMAN. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I hope I will be allowed to answer the question of my colleague, [Mr. BAKER.]

Mr. O'BRIEN. I ask unanimous consent of the committee that the time of the gentleman from Indiana [Mr. HOLMAN] be extended for five minutes.

The CHAIRMAN. The Chair must enforce the rule. The question is on the amendment of the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. I desire to modify my amendment. Instead of striking out \$4,500 and inserting \$5,000, I will move to strike out all of the paragraph except the words "for compensation of Senators, \$333,000." That will answer my purpose more effectually, and I will now yield my five minutes to the gentleman from Indiana, [Mr. HOLMAN.]

The CHAIRMAN. It requires unanimous consent to modify the amendment.

Mr. GARFIELD. O, no.

The CHAIRMAN. The question is upon the amendment of the gentleman from Maryland, [Mr. O'BRIEN,] which has been debated on both sides.

Mr. DOUGLAS. I desire to move an amendment to the amendment. If I could have obtained the recognition of the Chair, I would have moved, in anticipation of what has fallen from the gentleman from Indiana, [Mr. HOLMAN,] an amendment reducing the compensation of members of Congress to \$3,600 a year, the sum indicated by him.

I do not intend to raise the question here or to discuss it when raised by the gentleman from New York [Mr. TOWNSEND] and others as to rich men or poor men. I have heard that *ad nauseam*. I say to the gentleman from New York that, so far as this side of the House is concerned, especially the southern element of it, "Ye have the poor with you always."

I believe that I can live here very respectably on the sum I have named. I am certain that no member upon this floor on either side of the main aisle can need a higher compensation than that; and, if the present majority on this side of the House means anything at all, it means that it is an expression of the demand of the people of this country for retrenchment and reform.

I shall not go into the question as to how the extravagant expenditures that have prevailed here for years past, especially since the close of the war, have been kept up. But I know one thing, that in that section of the country which I in part represent, standing in the presence of a diminishing revenue and the paralyzed industries all over the country, with a constant decline in the expense of living, the people did demand, in a voice that must be heard here and elsewhere, that there should be retrenchment in the expenditures of this Government. My equanimity will not be at all disturbed by any taunts about my sincerity. I will let that question be tested by my acts. I will respond to the demand of my constituents and of the people of this country for retrenchment in this Government, in every branch of it, the legislative as well as the others.

I was of the opinion that the principle enunciated in the amendment of the gentleman from Georgia [Mr. HILL] was correct, and that it was an "indecent thing" for us to be sitting here deliberating upon the matter of our own compensation, whether to increase or to diminish it. But I bow to the decision of the majority of this House. They have determined to retain that feature in the pending bill which allows us to pass upon that question. If I cannot carry my measure, I am in favor of carrying that which will most nearly approximate to it. If I cannot carry anything that more nearly approaches the realization of my ideas, I will accept the proposition of the Committee on Appropriations.

I move to amend the amendment of the gentleman from Maryland [Mr. O'BRIEN] by striking out "\$5,000" and inserting in lieu "\$3,600."

Mr. O'BRIEN. The insincerity, to say the least of it, of the argument of my friend from Indiana [Mr. HOLMAN] must be plainly evident to this House when we take into consideration the propositions

which are now pending before the House in reference to appropriations from the public Treasury. Why, sir, the picayune sums that will be saved to the Treasury by a reduction which is not demanded by any public sentiment, in relation to propositions brought forward in this bill for the reduction of the salaries of members of Congress and the employees of the Government, become insignificant when compared with that mighty sum which will be taken from the Treasury by a scheme which I consider a gigantic fraud, and which my friend from Indiana [Mr. HOLMAN] is already pledged to support.

Mr. HOLMAN. What is that?

Mr. O'BRIEN. I find him here on this floor willing to cut down salaries which have stood the test of a generation, which run all the way back to 1845 and 1852, and to do it in the interest of what he falsely calls a public sentiment in behalf of economy and retrenchment. I find him further advancing the insincere argument that the purpose is to prevent a raid upon the public Treasury, to save the people's money from being sacrificed by being given to members and other public officers in a proportion to which they are not entitled.

Mr. HOLMAN. Will the gentleman allow me to inquire what is the "gigantic fraud" to which he has referred?

Mr. O'BRIEN. I will tell the gentleman before I get through.

Mr. HOLMAN. I hope my friend will not forget it.

Mr. O'BRIEN. I remember both historically and by experience since I have been a member of this House that the distinguished gentleman from Indiana (and I honor him to a certain extent in regard to his course) has for fourteen years or longer been struggling here against adverse majorities, whether upon his own side or upon the other side of the House, advocating what he calls the principles of economy but what practically means compelling men to live upon wages which will not allow them decent attire or a respectable livelihood, thus exposing them in public life to vast temptations. I find that at last he seems to have succeeded. I find him here nominally the vice-chairman but practically the leader of your Appropriation Committee. [Laughter.] I find that he is flying the kite, the balance of the committee being but the tail of the kite; and on that kite is emblazoned his fourteen years' party shibboleth, "Economy!" At the same time, Mr. Chairman, I know that he is pledged to vote for a bill which if it should become a law (and it did pass the House at the last Congress) will in the estimation of some of the officers of the Government take \$100,000,000 from the Treasury.

Mr. HOLMAN. What bill is it?

Mr. O'BRIEN. I allude to the bounty bill which the gentleman from Indiana is pledged to support.

Mr. HOLMAN. Does the gentleman mean the bill for the equalization of the bounties of the soldiers?

Mr. O'BRIEN. I do.

Mr. HOLMAN. Certainly I am for that.

Mr. O'BRIEN. The gentleman did not attempt in the last Congress to cut down these salaries; and I say that if, as he says, this is a time of general paralysis of industry and business, and therefore the salaries of public officers, and particularly members of Congress, should be cut down, then in the name of Heaven why take from the Treasury \$100,000,000, more or less, (I believe more,) at one swoop, under the form of bounties to soldiers.

[Here the hammer fell.]

Mr. HOLMAN rose.

Mr. FOSTER. I move that the committee rise.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana, [Mr. HOLMAN.]

Mr. FOSTER. On what question?

Mr. PAGE. I rise to a point of order. I submit that debate is exhausted.

The CHAIRMAN. *Non constat* that the gentleman from Indiana wishes to move that the committee rise.

Mr. PAGE. I object to debate on the amendment.

Mr. HOLMAN. Before making the motion which I design to make in a moment, that the committee rise, I must express my astonishment at the remarks—

Mr. HOAR. I rise to a point of order. The gentleman from Indiana has no right to debate—

Mr. O'BRIEN. I hope unanimous consent will be given for the gentleman from Indiana to proceed.

The CHAIRMAN. The Chair was about to rule that the gentleman from Indiana is not in order in debating—

Mr. HOAR. I do not object to the gentleman receiving leave of the committee to proceed—

The CHAIRMAN. The gentleman from Massachusetts [Mr. HOAR] is also out of order.

Mr. FOSTER. I ask unanimous consent for the gentleman from Indiana to proceed.

Mr. HOLMAN. I rise to a point of order. My point is that the proposition now pending is subject to amendment.

The CHAIRMAN. The gentleman has the floor to make any amendment which is in order.

Mr. HOLMAN. For the purpose of enabling me to submit a few remarks—I have but a word to say—I move to amend the amendment to the original text by striking out \$3,600 and inserting \$3,000.

The CHAIRMAN. There are already pending two amendments—one by the gentleman from Maryland [Mr. O'BRIEN] to insert \$5,000,

and the other by the gentleman from Virginia [Mr. DOUGLAS] to insert another sum.

Mr. ATKINS. By what right can the gentleman from Indiana make the motion that the committee rise? He has not charge of this bill.

Mr. FOSTER. I have already made that motion.

The CHAIRMAN. The Chair has not recognized the gentleman from Ohio for that purpose.

Mr. HOLMAN. I rise to a question of order. I understood the motion was to strike out the section. If that was not the motion, I am mistaken.

The CHAIRMAN. The Chair understood that the gentleman from Indiana rose to a point of order.

Mr. HOLMAN. My point is this: That according to my understanding the gentleman from Maryland moved to strike out the paragraph; the gentleman from Virginia then moved to strike out \$4,500 and insert \$3,600. I think that is a correct statement of the history of the pending propositions.

Several MEMBERS. O, no.

Mr. HOLMAN. The gentleman from Maryland can state whether that is right or not.

The CHAIRMAN. The Chair will state the position of the question.

Mr. FOSTER. If the gentleman from Indiana will renew my amendment at the close of his remarks, I will withdraw it.

Mr. PAGE and others objected to the withdrawal.

The CHAIRMAN. Objection is made.

Mr. HOLMAN. I rise to a question of order. I understand that the gentleman from Maryland moved to strike out the paragraph. Am I correct?

The CHAIRMAN. The gentleman from Maryland made no such motion. The Chair will state the proposition. The gentleman from Maryland moved to strike out a certain sum and insert another sum. The gentleman from Virginia moved to insert still another sum in lieu of the sum proposed by the gentleman from Maryland. That is all the amendment to the amendment which now can be considered.

Mr. HOLMAN. I believe it is in order to move to strike out the paragraph.

The CHAIRMAN. It would be in order.

Mr. HOLMAN. Then I make that motion. I am opposed to striking out the paragraph, Mr. Chairman, but I avail myself of the courtesy of the committee in making that motion to submit some remarks, the remarks which I desired to submit a while ago.

Mr. HOAR. I rise to a question of order. The gentleman should not address the House until the other questions are settled.

The CHAIRMAN. The gentleman cannot address us in opposition to his own amendment.

Mr. HALE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HALE. I appeal to the gentleman from Indiana. He is unused to the ways of the House, and it is almost impossible for him to get the floor, but if he will wait until to-morrow we will help him to get the floor. [Laughter.]

The CHAIRMAN. The gentleman is not stating any point of order.

Mr. HOAR. I do not desire at all to object to the gentleman from Indiana speaking, but I do not see why he should address the committee by its indulgence and give notice he is going to move the committee rise when he gets through so that no one can ask for the same indulgence to answer him.

Mr. RANDALL. I do not believe the gentleman from Indiana will make any such motion after he has concluded his remarks. I will take care that nobody shall be refused the opportunity, if he wishes it, to be heard on this question.

Mr. HOLMAN. I am glad, Mr. Chairman, I am sheltered by the chairman of the committee in saying he will take care no injustice shall be done. The gentleman from Massachusetts, if he understood what is going on, understood that I was simply proposing to move that the committee rise in consequence of the general disposition manifested in that regard. Why should I desire the committee to rise after submitting my remarks?

Now, Mr. Chairman, I rise simply to say that I was greatly astonished at the remark which fell from the lips of the gentleman from Maryland [Mr. O'BRIEN] when he declared that the proposition to equalize the bounties of the men who fought our battles in the late war, upon whose perilous devotion and in consequence of whose great sacrifices the maintenance of this Union was solely dependent, to whom we owe the life of this Republic—when he characterized the effort on our part to equalize their bounties and to do them equal justice as a monstrous fraud. Mr. Chairman, those are words which ought not to have dropped from the gentleman. They are words which never should have fallen on the ears of this House.

Mr. O'BRIEN. Will the gentleman allow me to say one word?

Mr. HOLMAN. Yes, for one word.

Mr. O'BRIEN. I was limited to five minutes, and had to put my words very close together. When I charged that bill with being what I considered to be a gigantic fraud, I did not mean to say that anything the soldiers would draw from it would necessarily be a fraud, or at all a fraud, but that in the distribution of the fund appropriated by that bill it would be absolutely a fraud upon the Treasury and a fraud upon the soldiers.



Mr. HOLMAN. I am glad that my friend makes even a lame apology.

Mr. O'BRIEN. No, sir; no apology at all.

Mr. HOLMAN. An apology for so unfit a word! I am astonished as a citizen of this Republic that an effort to do justice to these men, to their widows and orphan children, should be so characterized. I regard that measure as appealing more strongly to the sense of justice of this Government, independent of the patriotic emotions of the country to which appeal is made, with more irresistible force than any other claim which can be made upon this Government from its foundation to the present hour, except that which we owe to the men whose heroism and sacrifice established our Government. One strong motive which actuates me now in any humble effort I may make to retrench the expenses of the Government is that the Treasury may be in condition to meet the demands of that bounty equalization bill. For I trust, sir, that it will pass this House with the unanimity it did at the last session of Congress. Instead of its calling for \$100,000,000, it is well known it will take from our Treasury at the outside during a period of some three years about \$29,000,000, and I indulge the hope, if this House can come up to the statesman-like proposition submitted by the gentleman from Virginia, to fix the pay of members of Congress at a fair and reasonable rate, and the other expenditures of the Government shall be brought down to a fair and reasonable basis—to a just and reasonable compensation for service rendered to this Government—that the sum required to meet this bounty will be more than saved during this present session of Congress. If the whole \$29,000,000 were to be withdrawn at once, still the expenditures would not be equal to the appropriations for the present fiscal year.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

#### JOINT RESOLUTION SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News.

#### CONFIRMATION OF TITLE.

Mr. HARRISON, by unanimous consent, introduced a bill (H. R. No. 2850) to confirm to the city of Chicago the title to certain public lands; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. AINSWORTH for four weeks on account of business.

By unanimous consent, leave of absence was granted to Mr. BASS for ten days on account of ill health.

By unanimous consent, leave of absence was granted to Mr. BURCHARD, of Wisconsin, for ten days from Monday next.

W. T. PATE.

On motion of Mr. HOLMAN, by unanimous consent, leave was given to withdraw from the files of the House papers, petition, and claim in the case of W. T. Pate.

#### ADJOURNMENT OVER.

Mr. RANDALL. I move that the House do now adjourn.

Mr. PAGE. I rise to a privileged motion. I move that when the House adjourns to-day it be to meet on Monday next.

The question being taken on Mr. PAGE's motion, there were—ayes 90, noes 31.

Mr. HOLMAN. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—yeas 29, noes 89.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. PAGE. I move that the House do now adjourn. I do not desire to stay here until the roll is called.

Mr. SAYLER. If the gentleman from California withdraws the motion that the House adjourn over until Monday I renew it.

The SPEAKER *pro tempore*. That is the pending question.

Mr. HOLMAN. I rise to a question of order. Is not the motion that the House do now adjourn in order at this stage?

Mr. RUSK. I demand the regular order.

The SPEAKER *pro tempore*. The gentleman from Indiana has raised a question of order, which he has the right to do.

Mr. PAGE. I proposed to withdraw the motion that when the House adjourn to-day it be to meet on Monday next but the gentleman from Ohio [Mr. SAYLER] renewed it, and so it stands now. And

the House has ordered the roll to be called on the question of adjournment to Monday next.

The SPEAKER *pro tempore*. In reference to the point of order raised by the gentleman from Indiana [Mr. HOLMAN] the Chair decides that a motion to fix a day to which an adjournment shall take place has precedence over a motion to adjourn, and this question has been ordered to be taken by yeas and nays.

Mr. MORRISON. Was there a quorum present on the vote?

The SPEAKER *pro tempore*. A quorum did not vote.

Mr. MORRISON. As no quorum is present, I move that the House adjourn.

Mr. PAGE. Upon the motion to adjourn over until Monday I believe a quorum voted, but on the question of ordering the yeas and nays there was not a quorum.

The SPEAKER *pro tempore*. The rules provide that one-fifth of those present may determine the ordering of the yeas and nays, regardless of the fact as to whether or not a quorum is present. The Clerk will call the roll.

The question was taken; and there were—yeas 72, nays 61, not voting 156; as follows:

YEAS—Messrs. Bagby, Banning, Beebe, Blackburn, Boone, Bradford, Horatio C. Burchard, Cabell, Cason, Caswell, Cate, John B. Clarke of Kentucky, Crapo, Culberson, Eames, Ellis, Evans, Farwell, Faulkner, Farney, Franklin, Goode, Gunter, Hancock, Hardenbergh, Henderson, Henkle, Hooker, Hopkins, House, Hubbell, Thomas L. Jones, Knott, Leavenworth, Levy, Lynch, Maish, Money, Morgan, Mutchler, Nash, O'Brien, Odell, Oliver, Packer, Page, Parsons, William A. Phillips, Pratt, Reagan, James B. Reilly, Rice, Sobieski Ross, Rusk, Sampson, Saylor, Sheakley, Smalls, Stone, Terry, Martin I. Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Alexander S. Wallace, Walls, Alpheus S. Williams, Charles G. Williams, and Yeates—72.

NAYS—Messrs. Anderson, Atkins, John H. Bagley, Jr., John H. Baker, Bell, Blount, Bradley, Bright, John H. Caldwell, Caulfield, Chittenden, Cochran, Conger, Cox, Cutler, Dibrell, Dunnell, Durbin, Eden, Fuller, Andrew H. Hamilton, Robert Hamilton, Harrison, Hartzell, Haymond, Goldsmith W. Hewitt, Hoar, Holman, Hunter, Burd, Jenks, Joyce, Kelley, Franklin Landers, Metcalfe, Morrison, Neal, New, Poppleton, Potter, Randall, Rea, John Reilly, Riddle, John Robbins, William M. Robbins, Robinson, A. Herr Smith, Springer, Stenger, Thompson, Throckmorton, Washington Townsend, Turney, White, Wike, Willard, Jeremiah N. Williams, William B. Williams, Willis, and James Wilson—61.

NOT VOTING—Messrs. Adams, Ainsworth, Ashe, George A. Bagley, William H. Baker, Ballou, Banks, Barnum, Bass, Blaine, Blair, Bland, Bliss, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, Burleigh, William P. Caldwell, Campbell, Candler, Cannon, Chapin, John B. Clark, Jr., of Missouri, Clymer, Collins, Cook, Cowan, Crouse, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dobbins, Douglas, Durand, Egbert, Ely, Felton, Fort, Foster, Freeman, Frost, Frye, Garfield, Gause, Gibson, Glover, Goodin, Hale, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Hathorn, Hays, Hendee, Hereford, Abram S. Hewitt, Hill, Hoge, Hoskins, Hutton, Hurlbut, Hyman, Frank Jones, Kasson, Kehr, Ketchum, Kimball, Kirg, Lamar, George M. Landers, Lane, Lapham, Lawrence, Lewis, L. d., Luttrell, Lynde, Edmund W. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, McDill, McFarland, McMahon, Meade, Miller, Milliken, Mills, Monroe, Morey, Norton, O'Neill, Payne, Phelps, John F. Phillips, Pierce, Piper, Plaisted, Platt, Powell, Purman, Rainey, Roberts, Miles Ross, Savage, Scales, Schleicher, Schumaker, Seelye, Singleton, Sinsickson, Slemmons, William E. Smith, Southard, Sparks, Strait, Stevenson, Stowell, Swann, Tarbox, Teese, Thomas, Thornburgh, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Andrew Williams, James Williams, James D. Williams, Wilshire, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, Woodburn, Woodworth, and Young—156.

During the call of the roll the following announcements were made: Mr. WALLACE, of South Carolina. My colleague, Mr. MACKEY, is confined to his room by sickness.

Mr. VANCE, of North Carolina. My colleague, Mr. ASHE, is detained from the House by sickness.

The SPEAKER *pro tempore*. On the question that when the House adjourns to-day it be to meet on Monday next, the yeas are 72 and the nays are 61.

Mr. HOLMAN. I make the point of order that that is not a quorum. The motion has not been agreed to.

The SPEAKER *pro tempore*. The point of order is well taken. The motion is lost, no quorum having voted.

Mr. HOAR. I rise to a question of order. I desire to call the attention of the Chair to the fact that on the question of fixing the time to which the House shall adjourn no quorum is necessary.

The SPEAKER *pro tempore*. The Chair begs leave to differ from the gentleman from Massachusetts. The Chair calls the attention of the gentleman to the rule on page 5, which says:

But when less than a quorum is present no motion can be entertained except a motion to adjourn or for a call of the House.

The motion to fix a day to which the House shall adjourn has failed for want of a quorum voting.

Mr. HOAR. This is a very important question and quite worth considering. A motion to fix the time to which the House shall adjourn is pertinent to a motion to adjourn. Is it possible that if ten men got here at the beginning of Congress, they could not fix the time to which they should adjourn. The power to adjourn over is involved in the power of the House to adjourn, and it has been so ruled a hundred times.

The SPEAKER *pro tempore*. The Chair has decided that point.

Mr. HOLMAN. I move that the House do now adjourn.

The question was taken; and, on a division, there were—ayes 47, noes 59.

So the House refused to adjourn.

Mr. SAYLER. I move that when the House adjourns it adjourn to meet on Monday next.

The question was taken; and on a division, there were—ayes 74, noes 39.

The SPEAKER *pro tempore*. The ayes have it.

So the motion was agreed to.

Mr. RANDALL. I make the suggestion that to-morrow be set apart for debate upon any subject.

Mr. PAGE, and Mr. BAKER of Indiana, objected.

Mr. HOLMAN. I call for the yeas and nays on the motion to adjourn over.

Mr. BLACKBURN. I make the point of order, Mr. Speaker, that the Chair having decided that the motion was agreed to and the decision having been announced to the House, it is too late for the gentleman to call for the yeas and nays. I will state further on the point of order that the Chair had entertained another motion. After having decided that the motion to adjourn over was adopted, the Chair accepted at the hands of the gentleman from Pennsylvania another proposal and submitted it to the House. The gentleman from Pennsylvania asked that the House should meet to-morrow for debate only, which was subsequent to the decision of the Chair that the motion was agreed to.

Mr. ATKINS. I hope that no one will object to having a session to-morrow for debate. There are a great many gentlemen here who want to address the House, and I think it unkind for any gentleman to object.

Mr. RANDALL. My proposition is for general debate on any subject.

Mr. HOLMAN. I wish to make a statement. I rose at the same time the gentleman from Pennsylvania did for the purpose of calling for the yeas and nays. The gentleman from Pennsylvania began to submit his proposition to the House that to-morrow should be set apart for general debate only.

Mr. BAKER, of Indiana. To save trouble I will withdraw my objection to a session for debate to-morrow.

Mr. HOLMAN. I wish to state the facts. The gentleman from Pennsylvania began to make his proposition and I did not at once call for the yeas and nays. It was not until some gentleman objected to a session to-morrow that I made the call, so that the gentleman from Kentucky was correct in making his statement.

Mr. RANDALL. What I propose is that the session to-morrow shall be for debate on any subject, with the understanding that no business shall be done.

Mr. PAGE and Mr. HOAR objected.

The SPEAKER *pro tempore*. The Chair will decide the point of order raised by the gentleman from Kentucky, [Mr. BLACKBURN,] that it is in order and competent for the yeas and nays to be demanded upon the motion to adjourn over, no business having intervened. The Chair was interrupted by a point of order, and the Chair holds that the call for the yeas and nays was in time.

Mr. BLACKBURN. Will the Chair permit me on the point of order simply to say that the gentleman from Indiana has himself just stated that the point of order made by myself was well taken; that the Chair had announced that decision on the motion to adjourn over, and that subsequent business intervened, which was the request made by the gentleman from Pennsylvania [Mr. RANDALL] for unanimous consent; and that upon the Chair submitting that request to the House and objection being made upon the other side, then, and not until then, did the gentleman from Indiana call for the yeas and nays; so that the Chair had decided the question, if the gentleman from Indiana is correct, before his call for the yeas and nays and had entertained the request of the gentleman from Indiana.

The SPEAKER *pro tempore*. The Chair heard the call for the yeas and nays before the other request was made.

Mr. HOLMAN. The gentleman from Kentucky is only mistaken in one respect, and that is as to my conceding that his point of order was well taken. I stated that when I called for the yeas and nays I did not do it at once. The gentleman from Pennsylvania [Mr. RANDALL] rose at the same time, and I admit that I heard some gentleman object to his proposition before I called for the yeas and nays. If in this state of facts I was in time, then I insist on the call. I did not call at once. The gentleman from Pennsylvania made a proposition first, which was objected to.

The SPEAKER *pro tempore*. Is the call withdrawn or insisted on?

Mr. HOAR. Will the gentleman from Indiana allow me to say that if my objection to a session for debate to-morrow is the only thing that stands in the way of closing the matter, I will withdraw the objection.

Mr. PAGE. I will suggest that if any gentleman has any remarks prepared which he wishes to make he may print them in the RECORD, but I will not withdraw my objection to a session to-morrow.

Mr. BEEBE. I understand that the House has already ordered that when it adjourns to-day it be to meet on Monday next.

The SPEAKER *pro tempore*. That is the order of the House, the call for the yeas and nays not being insisted upon.

Mr. BEEBE. Then I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifty-five minutes p. m.) the House adjourned until Monday next.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ANDERSON: The petition of Captain David Stinger, for

pay for forage furnished the horses of his company in the Thirteenth Illinois Cavalry, to the Committee on War Claims.

By Mr. BANNING: The petition of George P. Borden and 27 other officers of the United States Army, for legislation declaring the rule of promotion in the line of the Army, to the Committee on Military Affairs.

By Mr. BASS: Resolutions of a joint meeting of the Board of Trade and citizens of Buffalo, remonstrating against the passage of the bill for bridging Detroit River, to the Committee on Commerce.

Also, resolutions of a joint meeting of the Board of Trade and citizens of Buffalo, recommending certain steps with reference to the improvement of the navigable channel at the lime-kilns in Detroit River, to the same committee.

By Mr. BELL: Resolutions of the Board of Trade of Manchester, New Hampshire, relating to specie payments and the tariff, to the Committee on Banking and Currency.

By Mr. BROWN, of Kentucky: The petition and papers relating thereto of S. C. Vick and others, for compensation for services rendered and supplies furnished the Federal Government during the late war, to the Committee on War Claims.

By Mr. CASWELL: The petition of D. D. Davies, Frederick Gill, and other citizens of Spring Green, Wisconsin, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. DANFORD: The petition of A. S. Corbly, F. M. Edwards, and other citizens of Amelia, Ohio, of similar import, to the same committee.

By Mr. FARWELL: The petition of E. A. Clifford, postmaster at Evanston, Illinois, for relief, on account of the breaking into and robbing the post-office at said town of \$645.08, to the Committee on the Post-Office and Post-Roads.

By Mr. GOODIN: Papers relating to the claim of Benjamin P. McDonald, to the Committee on War Claims.

By Mr. HATHORN: The petition of W. W. Warner and other citizens of Fulton, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. HOLMAN: Memorial and resolutions of the greenback club of Mattoon, Illinois, against the demonetization of silver and in favor of greenbacks, based upon the resources and revenues of the nation, and the issue of an interconvertible bond, to the Committee on Banking and Currency.

Also, the protest and remonstrance of citizens of the District of Columbia against certain contemplated legislation affecting the location of certain railroads in said District, to the Committee on Public Buildings and Grounds.

By Mr. KIDDER: The petition of the Good Templars of Yankton, Dakota Territory, officially signed, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. LEAVENWORTH: The petition of S. P. Pierce and others, importers of china, glassware, &c., to reduce the duty on the same to 30 per cent., to the Committee of Ways and Means.

By Mr. MEADE: Memorial of the New York Cheap Transportation Association, relative to the construction of a bridge across Detroit River, to the Committee on Commerce.

By Mr. NORTON: The petitions of citizens of Dunkirk, New York, for an appropriation to complete the channel and breakwater in Dunkirk Harbor, to the same committee.

By Mr. O'NEILL: Memorial of the Franklin Institute of Pennsylvania, for the repeal of the steamboat act of 1872, which permitted the increase of steam pressure, and for the re-enactment of the former law on that subject, to the same committee.

By Mr. PAGE: Memorial of R. S. Griffin and 177 other citizens of Utah, representing that the reports of the investigation by Congress regarding the Emma mine misled the public in respect to the mines of Utah and are most unjust to the Emma mine, showing the great value of that mine and its loss through mismanagement, to the Committee on Foreign Affairs.

Also, memorial of R. P. Souresbery and 73 other citizens of Utah, of similar import, to the same committee.

By Mr. PIERCE: Three petitions of the masters and owners of vessels engaged in the coasting trade, that compulsory pilotage be abolished so far as licensed and enrolled vessels are concerned, to the Committee on Commerce.

Also, the petition of merchants of Massachusetts, of similar import, to the same committee.

By Mr. RANDALL: The petition of the First Presbyterian church of Philadelphia, signed by the pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. ROBBINS, of Pennsylvania: The petition of William Baldwin and other manufacturers of the twenty-third ward, Philadelphia, that the present tariff laws remain undisturbed, to the same committee.

By Mr. TEESE: The petition of the South Park church of Newark, New Jersey, signed by the pastor and officers of the church, for a commission of inquiry concerning the alcoholic liquor traffic, to the same committee.

By Mr. TOWNSEND, of Pennsylvania: The petition of Robert O. Smedley, T. B. Evans, and other citizens of West Chester, Pennsylvania, of similar import, to the Committee on the Judiciary,



Also, the petition of Daniel S. Lukens, Howard Preston, and other citizens of Chester County, Pennsylvania, of similar import, to the same committee.

Also, the petition of Jesse Hicken, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITING: The petition of 555 legal voters of Illinois and 444 women over the age of eighteen years, to prohibit the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia and Territories of the United States, and to require total abstinence on the part of all officers and subordinates in the civil and military service of the United States; and to appoint a commission to investigate and report the effects of the liquor traffic on the health, intelligence, industry, property, crime, and pauperism; also upon taxation, revenue, and general welfare of the people of the United States, to the Committee of Ways and Means.

By Mr. WIGGINTON: The petition of citizens of Inyo County, California, for relief, to the Committee on Public Lands.

By Mr. WILLIAMS, of New York: Remonstrance of Lawrence Hargroves and others, against any change in the tariff laws, to the Committee of Ways and Means.

By Mr. WOOD, of Pennsylvania. The petition of J. B. Moorhead and 68 other citizens of Montgomery County, Pennsylvania, of similar import, to the same committee.

## IN SENATE.

MONDAY, March 27, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
The Journal of the proceedings of Friday last was read and approved.

### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a communication from George R. Cecil, second lieutenant Thirtieth Infantry, relative to the reduction of the pay of second lieutenants, giving his objections thereto, with an indorsement by his post commander; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Commissary-General of Subsistence, dated the 20th instant, asking for an early appropriation of \$300,000 on account of subsistence of the Army for the fiscal year commencing July 1, 1876, with authority to expend the amount appropriated during the current fiscal year, to enable the Subsistence Department to purchase supplies for the remote posts in Arizona, New Mexico, Texas, Montana, and Dakota, during the months of April and May, 1876, in order to reach those posts early in the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

### PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented two petitions of citizens of Blair County, Pennsylvania; two petitions of citizens of Philadelphia, Pennsylvania; a petition of workingmen of Dauphin County, Pennsylvania; two petitions of workingmen of Montgomery County, Pennsylvania; three petitions of workingmen of Lawrence County, Pennsylvania; a petition of workingmen of Huntingdon County, Pennsylvania; a petition of workingmen of Berks County, Pennsylvania; a petition of workingmen of Lehigh County, Pennsylvania; and a petition of workingmen of Bedford County, Pennsylvania, praying that the tariff laws may remain undisturbed; which were referred to the Committee on Finance.

He also presented the memorial of Samuel Riddle, William Simpson, John Ledward, J. P. Crozier, and 620 other manufacturers, mechanics, and citizens of Delaware County, Pennsylvania, remonstrating against the passage of any act reducing the duties on imported articles that enter into competition with American manufactures; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN. I present the memorial of workingmen of Passaic, New Jersey, remonstrating against the proposed change in the tariff laws. I observe they say in their petition that while they are ready to bear with resolution their share of the depression which exists all over the world, that resolution will be changed to despair if the proposed tariff bill passes. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. FRELINGHUYSEN presented a petition of pensioners of the United States, residing in New Jersey, praying that Congress in deference to their interests will not pass a law changing the present mode of paying pensions; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. KERNAN presented a petition of the Lodge of Good Templars of Brooklyn, New York, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of T. M. Eddy, William Ross, and

other citizens of New York, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the memorial of John G. Reither, Edward T. Jackson, and 11 other business men of Brooklyn, New York, remonstrating against the repeal of the bankrupt act; which was referred to the Committee on Finance.

He also presented the petition of William M. Whitney and George T. May, praying for a just and equitable disposition of the money awarded to the United States by the tribunal of arbitration at Geneva; which was referred to the Committee on the Judiciary.

Mr. BOUTWELL presented the petition of the First Methodist church of Chelsea, Massachusetts, signed by pastor and officers, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors, that total abstinence be made a condition of the civil, military, and naval service, and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

He also presented the petition of Rev. H. T. Cheever, H. R. Greene, and other citizens of Worcester, Massachusetts, praying for the prohibition of the manufacture and sale of alcoholic liquor in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. BOUTWELL. I present a joint resolution of the Legislature of Massachusetts in regard to the metric system of weights and measures, which I ask may be read and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The resolution will be reported and referred to the Committee on Finance, if there be no objection.

The Chief Clerk read as follows:

### COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand eight hundred and seventy-six.

Resolution in favor of the introduction of the metric system of weights and measures.

Resolved, That the Senators and Representatives in Congress from this Commonwealth are hereby requested to forward by all legitimate means the introduction of the metric system of weights and measures as the sole legalized standard throughout the United States.

Resolved, That the governor be, and he is hereby, requested to transmit to each of the Senators and Representatives in Congress a copy of the foregoing resolution.

HOUSE OF REPRESENTATIVES, March 3, 1876.

Passed: sent up for concurrence.

GEORGE A. MARDEN, Clerk.

Passed in concurrence.

SENATE, March 9, 1876.

S. N. GIFFORD, Clerk.

SECRETARY'S DEPARTMENT, BOSTON, March 24, 1876.

A true copy.

HENRY B. PEIRCE,  
Secretary of the Commonwealth.

Mr. CHRISTIANCY presented a memorial of the bar of East Saginaw, Michigan, in reference to the Federal courts in that State; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin, presented the petition of J. C. Penberthy and other citizens of Wisconsin, praying for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

He also presented the petition of M. F. Taylor and other citizens of Wisconsin, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. WRIGHT presented the petition of Isaac Herring, of Polk County, Iowa, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present the petition and remonstrance of sundry citizens of Washington, against railroads on the public grounds, &c., which I ask may be referred to the Committee on Public Buildings and Grounds. I introduced last week a bill for the removal of the railroads on the public grounds, which, I understand, was referred contrary to my motion to the Committee on the District of Columbia. I understand that that matter properly belongs to the Committee on Public Buildings and Grounds, and I move a change of reference.

The PRESIDENT *pro tempore*. The Chair hears no objection and that change of reference will be made. This petition will be referred to the Committee on Public Buildings and Grounds.

Mr. CONKLING. I present a memorial signed by many business men, leading citizens of the county of Clinton, in the State of New York, saying that they observe with alarm the introduction of a scheme for tariff reduction and revision; which, in very earnest language, they protest against. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. WITHERS presented the petition of Weisiger & Co., A. L. Allett & Co., and other merchants and business men of Richmond, Virginia, praying for a repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented a communication from Governor Kemper, of Virginia, transmitting resolutions of the General Assembly, and the pe-